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ABSTRACT

The three essays of this collection explore the prevention of violence in urban schools. The first, "Preventing Violence in Schools," by Mary Hatwood Futrell and Lee Etta Powell, focuses on how to prevent violence in schools and offers recommendations on what schools and communities can do. The factors contributing to school violence are numerous, complex, and mostly community-related. A number of strategies are available for addressing the problem from a classroom or schoolwide perspective, but others can be suggested for individual students, helping them focus on discipline as positive behavior. Investment programs such as tutoring, counseling, jobs, and recreation and youth facilities would be more cost-effective in the long-run than such measures as hiring more security. The second essay, "Gang Activity at School: Prevention Strategies," by Shirley Lal, reviews what is known about gangs and their impact and consequences in schools. It also suggests a variety of strategies for preventing gang activity and altering negative gang behavior. The final essay, "School Violence and the Legal Rights of Students: Selected Issues," by Dorianne Beyer, considers the effects of the public perception of widespread and growing school violence, which leads to a situation in which the rights of school administrators come to take precedence over the rights of students when school safety is at stake. The current judicial trend highlights society's fears and disrespect for children. Contains a total of 90 references. (SLD)

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Preventing Youth Violence In Urban Schools: An Essay Collection

Wendy Schwartz, Editor

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PREVENTING YOUTH VIOLENCE IN URBAN SCHOOLS: AN ESSAY COLLECTION

Edited by

WENDY SCHWARTZ

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PREVENTING YOUTH VIOLENCE IN URBAN SCHOOLS: AN ESSAY COLLECTION

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PREVENTING VIOLENCE IN SCHOOLS

Mary Hatwood Futrell

and

Lee Etta Powell

INTRODUCTION

There is an old saying that "the course of civilization is a race between catastrophe and education. In a democracy such as ours, we must make sure that education wins the race." Many people thought that the catastrophe would be one caused by nuclear warfare and wars between nations. It seems, however, that the catastrophe may be internal, may be "homegrown."

The public's concern about violence in schools has been manifested in media stories, Congressional testimony, and numerous studies and reports that vividly underscore the pervasiveness of the problem. Nowhere, however, is the magnitude of the nation's concern about school violence reflected more urgently than in Goal 7 (originally called Goal 6) of the Goals 2000: Educate America Act, adopted by Congress and signed into law by President Bill Clinton in March 1994. Goal 7 states that "By the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning." The supporting narrative for this goal states that "no child or youth should be fearful on the way to school, be afraid while there, or have to cope with pressures to make unhealthy choices" (U.S. Department of Education, 1993a; 1993b).

Students in schools where violence occurs will not focus on meeting rigorous standards, perform at high academic levels, or even stay in school. When

teachers and students are more concerned about their safety than about education, they cannot concentrate on teaching and learning.

This chapter, a revised version of an earlier manuscript written by one of the authors, focuses on how to prevent violence in schools. We also offer some recommendations based upon our reflections—as teachers who taught for 15 and 10 years, respectively, in urban centers—and as concerned citizens, about what schools and communities can do to stem the tide of violence in schools and, hopefully, in society in general.

AN OVERVIEW OF VIOLENCE IN SCHOOLS

The issue of school violence is not a new phenomenon. "Discipline in the Public Schools: A Problem or Perception," which appeared in the January 1979 edition of *Phi Delta KAPPAN* , traces school violence back to the 1950s when the problem was not discipline, but juvenile delinquency. In that decade, "there seemed to be a marked increase in both the serious and less serious antisocial behavior on the part of our youth..." (Williams, 1979).

Today the possibility that a disagreement among students will be settled with some type of weapon rather than an old-fashioned fist fight has increased significantly. A major difference between violence in the schools in the 1950s and the 1990s is the presence and use of weapons, especially guns. Also, students seem to hold a grudge much longer. Some students wait until the last day of school to settle an incident that occurred weeks or months earlier.

Violence in schools is not unique to public schools or the nation's urban centers. According to the Department of Justice, public, private, and nonsectarian schools have all experienced an increase in school violence. Nine percent of public, seven percent of private, and six percent of nonsectarian school students reported being victims of violent acts or property crimes in 1989 (U.S. Department of Justice, 1991).

Further, media reports indicate that the issue of violence in school is a national problem that has seeped into the very heartland of America. No geographic region is excluded anymore. In a National School Boards Association (NSBA) survey of 1,216 administrators, *Violence in the Schools*, 54 per cent of suburban and 64 percent of urban school officials reported more violent acts in their school in 1993 than five years before (National School Boards Association, 1994). Newspaper articles report that communities large and small, urban, suburban, and rural—from Chicago, Illinois, to Little Rock, Arkansas, to Walton, New York, to Lorain, Ohio, to Lindhurst, California, to Butte, Montana, to Washington, DC—are struggling with the issue of school violence.

Thus, the public's concern about discipline and violence in the schools is well warranted. Violence caused by schoolage children (in and out of school) is worse now than it has ever been; it is on the rise and permeates every segment of American society. This is not to say, however, that all of today's youths are discipline problems or perpetrators of acts of violence. To the contrary, the vast majority of our youth are not violent, nor have they committed acts of violence.

Generally speaking, there are three groups of students in a school, what we call the 80-15-5 rule. Eighty percent of the students rarely break the rules or violate principles. Fifteen percent break the rules on a somewhat regular basis by refusing to accept classroom principles and restrictions. If not clearly apprised of expectations and consequences of such their behavior, these students can disrupt learning for all the other students. The last five percent of the students are chronic rule breakers and are generally out of control most of the time. They may commit acts of violence in school and in the community (Curwin & Mendler, 1988).

FACTORS CONTRIBUTING TO SCHOOL VIOLENCE

Factors contributing to school violence are numerous, complex, and mostly community-related. For example, teachers perceive that the major factors contributing to student violence are lack of parental supervision at home (71 percent), lack of family involvement with the school (66 percent), and exposure to

violence in the mass media (55 percent) (*The American Teacher*, 1993). Teachers also believe that certain types of parenting produce children who contribute to school violence.

America's children are exposed to a steady diet of verbal and physical violence that begins early and continues throughout their lives. Numerous reports have cited the fact that children in the U.S. spend more time watching television than attending school. Most of what children watch, including cartoons, is unsupervised and much of it is filled with scene after scene of unadulterated sex and violence. All too often children who behave violently are themselves victims of an overdose of violence.

In too many communities, children constantly send signals that they feel isolated from and maligned by society. These feelings know no geographic, social, or economic boundaries. Increasingly, many youth come from communities where the vast majority of the experiences to which they have been exposed have been hostile. They have had to fight to simply survive. These young men and women are filled with rage and a sense of rejection and, as a result, do not believe that they owe society anything.

At the same time, an increasing number of students who have not grown up in mean, hostile environments are involved in acts of violence. They often cite boredom or the excitement of control as reasons for their actions. It is difficult to understand their rebellion against society.

Parenting Practices

Children often receive mixed messages from parents and other adults about what is right and what is wrong. The use of material goods to persuade children to behave in one way or to dissuade them from behaving in another is one example of sending a mixed message. In such situations, children are "bribed" by promises of expensive clothing or toys. In addition, today's youth seem surprised when asked if they are required to perform chores in and around their home (Franks, 1993). Many indicate that they do not do chores unless they are paid to. These attitudes and

actions convey strong lessons about roles, responsibilities, and the rights that must be learned in order to assume positions as citizens good in a democratic society. How children learn these lessons is as important as what they learn.

In addition, with more and more parents working outside the home, students are very aware that it is difficult for school officials to contact their parents, and that even if they do, their parents often refuse to respond. Exacerbating this problem further, the parents may refuse to come to the school when asked if a child has been in trouble repeatedly, because they are tired of dealing with the child's problems, they believe the school is at fault, or they believe there is nothing they can do to control the child.

Sometimes parents do not respond because they were unsuccessful in their own school experiences; they view the school as a hostile environment. Likewise, a parent who does come to school may support the student's disruptive/violent behavior as another form of "bribery" to gain their child's affection, particularly when the relationship between the two is strained. This is most apparent in aggressive parents who have minimal parenting skills. Further, teachers report about students, even very young students, who state that their parents have told them (the children) that they do not have to do what the teacher says or that if anyone tries to take something from them, or insults or hits them, they should fight back. Unfortunately, many parents admit that they have so instructed their child and are offended that teachers question such directions.

These types of parenting are evident across the socioeconomic spectrum. Parenting that indulges, neglect, abuses, or ignores children, and that fails to provide strong, positive guidance, discipline, and nurturance, contributes to the spread of violence in schools. Such parenting is seen in families plagued by chronic unemployment and poverty, especially when parents are concentrating more on the economic survival of the family than on the attitudes and behavior of the children. It is also seen in affluent families that indulge their children's every material request. Lastly, it is seen in families where parents do not have quality time to spend with their children because of job demands.

Peer Pressure

Students (36 percent) concur that lack of parental supervision at home is the major factor contributing to violence in schools. However, 34 percent of them cite as a second major factor the presence of gang or group membership or peer group pressure (*The American Teacher*, 1993). Several recent studies concluded that peer group pressure is perhaps the fastest growing and most disturbing cause of acts of violence among youth, whether in school or out (*The American Teacher*, 1993; Toby, 1994; U.S. Department of Justice, 1991).

Drugs and Alcohol

Students cited involvement with drugs and alcohol as the third major factor contributing to school violence. Those who reported the availability of drugs in school did not vary significantly by ethnicity, level of family income, or geographic location (U.S. Department of Justice, 1991). Although reports indicate that the use of drugs such as heroin, cocaine, marijuana, and crack is down among students in grades 6-12, the consumption of alcohol is not. Alcohol is the number one drug used by teenagers and young adults.

Bias

Another emerging trend is the number of acts of violence related to race or religion. *The 1993 Lou Harris Study on Racism and Violence in American High School: Project Teamwork Responds* reported that racism and violence are rising significantly in America's high schools. Seventy-five percent of all students surveyed reported seeing or hearing about racially or religiously motivated confrontations on a regular basis, up from 57 percent in an earlier survey (cited in National Consortium for Academics and Sports, 1993). This trend is particularly disturbing in light of the fact that diversity in America is rapidly increasing.

LOCATION OF VIOLENCE IN SCHOOLS

Most teachers believe that violence occurs in hallways or under staircases, in the lunchroom or cafeteria, or in unattended classrooms. Students concur that most acts of violence occur in these places, but add the gym and locker rooms as prime sites. Students are also victimized in restrooms. Most acts of violence occur where adult supervision is minimal or where there are large crowds of people moving to and fro. Students, especially those who have been victims, learn quickly which areas to avoid (*The American Teacher*, 1993).

PERPETRATORS OF SCHOOL VIOLENCE

It is important to examine, within the context of the school, who the victims and the perpetrators are. For example, according to Toby (1994), two kinds of violence should be distinguished. One is violence by trespassers who enter school buildings to steal, rob, or assault someone. The other type of violence is committed against teachers, administrators, other staff members, or fellow classmates by students enrolled in the school.

Victims and perpetrators of school violence represent all racial, ethnic, and economic groups. Although males are more likely to be involved in acts of violence in schools, in recent years an alarming trend indicates that girls are engaging more frequently in such acts.

Often the perpetrators do not have or need a serious reason for lashing out. It could be something as simple as a look or stare or an accidental bump into someone that triggers a violent reaction. An act of violence could result from idle gossip, courtship jealousies, extortion, feeling slighted or disrespected, or an attempt to impress friends. It could result from the perpetrator's dislike for a person or the perception that someone is weak or is a nerd (gets good grades). In other words, a logical reason for the incident is not necessary. The tempers of many students today are triggered quickly and the results are often disastrous.

When a fight occurs, for example, especially if it is outside the classroom, other students are not likely to try to stop it. To the contrary, students are more likely to "egg on" their peers.

It is disturbing that most high school students would probably stand by and watch a fight without doing anything to stop it or without reporting the incident to school authorities. There appears to be a code of silence among the students. Reluctance to report violent incidents may be motivated by fear of possible retaliation or a result of apathy. It may also be a way of opposing or hampering school authorities' efforts to enforce rules and regulations.

This behavior reflects attitudes often seen in adult society—a belief that it is better to be "safe" by not getting involved. It also reflects the reverence for aggressiveness and violence as part of American culture, whether at a sports event or in films. Children spend thousands of hours each year absorbing scenes of violence in the media, in their homes, and in the community. They are the products of the culture and the society that adults have created. It is little wonder youth exhibit violent behavior in school.

MOST LIKELY VICTIMS OF SCHOOL VIOLENCE

Victims of violence in schools cover the spectrum. For example, 900 teachers are threatened, and over 2,000 students and nearly 40 teachers are physically attacked on school grounds every hour of each school day each year, according the Keith Geiger, president of the National Education Association. The Department of Justice asserts that every day in the U.S. 100,000 youngsters carry guns to school and 40 youngsters are injured or killed by guns (Stone, 1994).

Students

Younger students (grades 6-10) are much more likely to be victims of violence than are senior high school students (*The American Teacher*, 1993; U.S. Department of Education, 1993c; U.S. Department of Justice, 1991). The

Department of Justice reported that students whose families moved frequently and students from racial or ethnic groups that are minorities within the school are more likely to be physically assaulted. Students who wear expensive or fashionable clothing or jewelry, or who bring cameras, cassette players, beepers, and other electronic devices to school, are more likely to be victims of property crime.

TEACHERS

Students are not the only victims of violence in school. Although the majority of teachers believe that they are unlikely to be victims of violence in and around school, the opposite is true. Most teachers feel safe in their schools during the day, but after school hours many teachers, especially those in urban areas, do not. Women and younger, less experienced teachers are targets, but they are not the primary victims of violence among school staff. Teachers who are considered to be strict, and who insist that students adhere to rigorous academic and behavioral standards, are most at risk of being victimized. Thirty-eight percent of teachers and 57 percent of students rank strict teachers as more at risk of victimization than any other members of the teaching staff (*The American Teacher*, 1993). This perception could have a chilling effect on school districts that are attempting to reform education and restructure their schools.

If teachers fear that they will be targets of students' physical or verbal abuse, they will be less willing to insist that all students meet new, more rigorous standards. This is particularly so if teachers do not believe that school administrators can or will provide a safe environment where performance standards can be met. Also, teachers will be unwilling to intervene in certain situations, especially altercations between students, if they do not believe the parents, school officials, or the community will support their efforts. Teachers are not only concerned about being victimized, they are also concerned about being sued if they intervene in student fights or acts of violence. They also may not intervene aggressively because of fear of being accused of child abuse.

VIOLENCE AS AN IMPEDIMENT TO EDUCATION

The Justice Department (1991) corroborated the NSBA (1994) study stating that 82 percent of the school officials surveyed believe school violence has increased in the past five years, especially student-on-student violence.

Violence or the threat of violence has a direct impact on the quality of education provided and on the way teachers and students work together in the classroom. Students are very perceptive. They may not articulate their perceptions, but most students know whether or not they are receiving a good education, an education that will prepare them to compete in the job market, college, or anywhere else. When students perceive that their education is inadequate or inferior, when the expectations for them are less than for others in the class, they often develop a sense of helplessness and frustration (Futrell, 1994). This sense of frustration often turns to anger and violence when they don't know how to handle the obstacles to an effective education. For example, academic failure in school contributes to delinquency, antisocial behavior, and criminal activity—all of which can lead to violence. According to the Constitutional Rights Foundation Network report, *The Challenge of Youth Violence* (Sausjord & Friedman, 1994), "Youth who lack basic skills and a strong sense of self-worth are more likely to be drawn into violence."

Students frequently act out their hostility by being disruptive. This in turn creates an atmosphere in the classroom and the school that militates against constructive teaching and learning. For example, teachers are less apt to teach at their full potential, class assignments are less creative and challenging, and the ethos in the school is less motivating if tension constantly permeates the environment. In addition, teachers, like students, are less eager to go to school every day. Thus, students in these schools are much more likely to be taught by a "revolving door" of substitutes (Kozol, 1991; Wise, 1993).

MEASURES TO ENSURE SCHOOL SAFETY

Youth violence in many schools, frequently mirroring the situation in the

surrounding community, has reached pandemic proportions. In some communities the situation is so bad that young offenders are being sent to boot camps or "shock incarceration programs," or are required to perform supervised community service.

Especially frightening is the increased availability of weapons, guns in particular. The fact that more and more weapons are showing up in schools underscores how readily accessible they are. In response to this phenomenon, schools are resorting to random checks of students' book bags, backpacks, or lockers. They are also increasing their use of metal detectors to identify students carrying weapons. Many schools are moving to physical means of control—fences, blocked access roads, and locked and chained doors—to guard against violence.

Such measures are costly and reflect the real and unpleasant image of being locked up. They divert funds from efforts to reform education and restructure schools: to raise standards by improving the curriculum, reducing class size, providing professional development programs for teachers or special programs for students.

All of the strategies described herein are important and, perhaps, necessary. However, they are too little and, perhaps, too late. Most strategies to curb violence in school and society are designed to respond to violence after it has occurred rather than to prevent it.

Schoolwide Strategies

Staff Monitoring and Guards

The most common school security measure used to prevent violence or other disruptive acts requires school staff, in particular teachers and security staff, to monitor students' movements in and around the school. Thus, staff monitor hallways, doorways, restrooms, the cafeteria or lunch rooms, and the areas of the campus where students tend to congregate. In addition, more and more school funds are used to hire retired police officers or security guards to patrol buildings and provide security at sports and other school sponsored events.

Parents as Monitors and Teachers' Aides

Equally effective, if not more so, and less costly than guards, is the use of students' parents as monitors and teachers' aides.Youth are less likely to misbehave or engage in violent acts if parents from their neighborhood are highly visible on a daily basis in their school. Several schools have used this strategy and found it to be highly effective.

Discipline and Dress Codes

Institutionalization of discipline and dress codes is another strategy used to curb violence. These codes should be developed collaboratively by administrators, teachers, parents, and students. Discipline and dress codes should be reviewed by the school district's legal staff to assure compliance with state school law. Equally important, schools must be sure that the rules created have a purpose and that they explicitly tell students what kinds of behavior are acceptable. Included in these codes should be policies that delineate how the school will deal with students who are chronic disciplinary problems, such as suspensions, expulsions, and filing criminal charges against perpetrators if necessary.

Discipline and dress codes should be reviewed and revised to ensure that they are appropriate for the student population and that they are contributing to a safe, orderly school environment. Every administrator, teacher, parent, and student should receive a copy of the codes. They should be reviewed in each class so that every student is aware of their existence and the consequences of violating any rules. School administrators and teachers should ensure that the codes are implemented consistently and firmly, but also fairly.

To assure that parents receive and review the school's discipline code, the State of Virginia enacted a law effective May 1995 requiring parents, under penalty of a fine, to sign and return a copy of the school rules. The law also requires parents of suspended students to meet with school officials or face a fine up of to five hundred dollars. Similarly, a 1994 Alabama law holds parents liable when students damage school property. The intent of these laws is to make parents "more

accountable for the misbehavior of their sons and daughters" (Baker, 1995).

Attempts to implement the Virginia law met a firestorm of resistance from parents and groups such as the American Civil Liberties Union and the Charlottesville-based Rutherford Institute that defends religious freedom, however. While the intent of the law was to get parents to be more accountable for the behavior of their children, it has instead been interpreted as a violation of parents' religious belief that discipline is a parental matter. These groups perceive that the state is usurping the role of parents by demanding their acquiescence in any decisions made by school officials regarding their child (Finn, 1995).

Counseling Programs

Schools should establish counseling programs for students, and assure that students do indeed have access to their counselors. Currently, most elementary schools do not have counselors, and if they do, they are in the schools for only one or two days per week. At the high school level, counselors are part of the staff. However, the average high school counselor has between 350-400 students to advise. Needless to say, students are lucky to see their counselor once during a school year—usually when it is time to sign up for the next year's classes—and this contact often occurs in a large group. In order to effectively counsel the students in the school—whether academically or behaviorally—and to ensure that students have access to their assigned counselor on a regular basis, counselors should be assigned no more than 125-150 students per school year. They should be relieved of clerical and other non-counseling responsibilities.

Conflict Resolution Programs

Another form of "counseling" is the widespread use of conflict resolution strategies to defuse potentially violent situations and to persuade those involved to use nonviolent means to resolve their differences. DeJong (1994) noted that "Conflict itself with its roots in competition, poor communication, and miscalculation, is a normal part of life and cannot be eliminated (whether in schools

[public or private] or the community at large). What must change, therefore, is how we respond to it."

Schools that have adopted conflict resolution strategies are trying to teach young people new ways of channeling their anger into constructive, nonviolent responses to conflict. As a means of addressing violence, conflict resolution programs in schools start by identifying a core group of student leaders in the school. This group receives intensive training and supervision in the use of conflict resolution strategies and student mediation. Members of the "conflict resolution team" then use their skills and knowledge to help maintain order in the school by counseling their peers, intervening in disputes among students, helping them talk through their problems, and training other students to use conflict resolution strategies. Conflict resolution strategies should be used in individual classrooms as well as schoolwide.

In addition, high school team members should visit students in elementary school and teach them the value of conflict resolution skills. Thus, conflict resolution strategies can be used for both prevention and intervention.

Crisis Centers

Schools should strongly consider the establishment of crisis centers for students who commit violent acts or threaten violence. Teachers and administrators can refer students to the centers, which should be staffed by professionals who are specially trained to work with violent students. Crisis centers should not be used for long-term interventions, but rather as in-school areas where students can be sent to "cool off" and to receive on-the-spot counseling. Nor should crisis centers be viewed as a replacement for afterschool detention programs.

Teacher Crisis Meetings

Efforts to prevent violence in schools must involve teachers at every step of the process. Whether or not told through formal communications channels, all teachers are aware of the discipline problems, including acts of violence, which

occur in their school. Strategies designed to eliminate or reduce such problems will not work unless teachers are involved in the design and implementation of programs to establish a safe, orderly environment in the school. Further, it is important for teachers to be part of on-going discussions regarding the status of discipline problems and acts of violence occurring on the school campus. It is also important for teachers to be able to discuss major discipline problems they are having with students in their classrooms. These discussions can be part of regular monthly faculty meetings or special sessions designed to apprise faculty and staff of any major problems related to violence in the school. When faculty members are aware of what is going on in the school and of strategies to address problems, they are apt to become actively involved in supporting schoolwide efforts to correct the problem. Furthermore, when teachers are part of the process, they are more willing to become part of the "school team" and to work to achieve the goal of creating a school that is safe for all.

Teacher Team Meetings

Teachers in schools organized into interdisciplinary teams that teach the same group of students can exchange ideas about successful strategies for working with disruptive or violence-prone students during their team meetings. They can learn from each other how best to manage the students' behavior and can establish a uniform set of standards or rules of discipline for their classes to be recognized and supported by the school administration.

Support for Teachers

Critical to the elimination of violent acts in schools is support for teachers' efforts to address discipline problems. Since teachers are the frontline school staff members responsible for handling discipline problems, it is paramount that they receive support from their administration. While one of the major complaints from administrators is that teachers are not consistent in applying school discipline rules, teachers often complain that they do not receive support from school administrators when they report students for disruptive, or even violent, behavior. Obviously, teachers must be consistent in applying rules of discipline. And, administrators

must provide teachers and other school staff with the assurance that violent students will be dealt with swiftly and firmly, and that teachers will receive support in their efforts to maintain an orderly classroom. Nothing is more discouraging to a teacher than sending a student who is disrupting a classroom to the office, only to see the student return half an hour later to tell friends that his or her misbehavior was not punished. Teachers have to know that they have the total support of the school administration and board of education in their efforts to handle unruly students.

Extended School Hours

Another strategy being used by an increasing number of schools is extending the number of hours that the school is open to students. In some communities, after the regular school day has ended, schools are kept open so that students can participate in organized activities such as sports, gymnastics, crafts, art, music, tutorial programs, or other activities. Other schools, especially elementary schools, provide space for child care programs to accommodate working parents who are unable to pick up their children at the end of the school day and do not want them home alone. All of these activities are supervised by a trained staff.

Classes for Parents

There is an increasing number of teenage parents who lack social or parenting skills, but are raising children who soon will enter school to begin their own formal education. Often these parents have left school without a high school diploma, thereby limiting their employability. As these young parents are living out their own adolescence, their offspring can experience a benign type of abuse in the form of inadequate nurturing during their early years, lack of attention to their developmental needs, and neglect. The media are replete with stories of children who have been left unattended, who have been abandoned, or who have been abused by their parents or by friends of their parents. Having been victims of abuse and violence, these children tend to grow up to become abusers as adults, thus repeating the cycle of abuse and violence.

To serve this population, many school districts have established classes for parents to teach them effective parenting skills, provide them with an opportunity to earn a GED, and offer them vocational training so they can find employment. By participating in such programs, young parents can then provide better guidance to their own children and become a positive role model for them.

Additional Strategies

Since school personnel are faced with competing demands that overcrowd their schedule, acts of disruption are typically handled in a routine manner, following a prescribed discipline code. These codes tend to be legalistic and punitive, and are unlikely to result in sustained improvement in student behavior. Therefore, it can be very useful for schools to also use positive incentives to prevent violence.

For example, a successful program in elementary schools called "Getting Caught Being Good" provides a positive approach to curbing students' disruptive and violent behavior. The school establishes a recognition and reward system for students who are observed in a significant act of good school citizenship. The overall goal of this program is to bring about a change in the students and in the school climate so that normative behavior is constructive.

Another positive approach to violence prevention is providing students with positive role models. Schools should invite high profile leaders in the community (i.e., police officers, athletes, media representatives, and parents) to visit schools and talk with students about crime and violence.

These strategies indicate that the best school-based violence prevention programs seek to do more than reach students who may be prone to violence and their victims. The most effective programs are designed to change the total school environment by creating a safe school community that believes in and practices nonviolence in resolving differences.

Classroom Strategies

To maintain a safe and orderly classroom conducive to teaching and learning, a teacher must set forth both academic and behavioral expectations for all students. In addition to schoolwide codes, each teacher must articulate to students on the first day of class the basic standards of behavior for the class. Additional standards may be developed with input from the students to reinforce their commitment to the standards.

Behavior Standards

The classroom behavior standards should comply with the school's code, but they need not be as detailed. As a matter of fact, the fewer the better. The standards should be given to the students in writing and should be posted in the classroom. They should be clearly stated and understood by all students in the class. Also, a copy of the standards should be sent home to parents.

Teachers are responsible for establishing and maintaining the climate in the classroom and for managing the students. It is very important for them to establish control on the first day of school and maintain it steadily thereafter. Students are perceptive and become quickly aware of teachers who are "not in control" of their classrooms. Being in control does not mean being rigid or being a "tyrant"; it means asserting authority and demanding and getting respect.

Teachers also must ensure that the behavior standards are followed, and they must do so in a manner that is fair, but firm and consistent. Students who fail to comply with the discipline standards must be dealt with quickly and firmly. Constantly changing the rules or extending the list will simply cause confusion. Failure to enforce them will result in the students' ignoring or constantly breaking them; it will lead to chaos.

Academic Expectations

Equally important, and often a factor ignored in discussions about discipline

and violence in schools, is the academic side of the issue. Again, it is the responsibility of the teacher to establish the ethos in the classroom regarding academic expectations. The objectives for each lesson, and each unit, should be clearly articulated to the students prior to teaching it. Preferably, these objectives should be in writing, either on the chalkboard or on paper given to the students. They should be explained to the class along with an explanation of the teaching and learning activities to be used to achieve them.

Classrooms where the academic objectives are unclear are fertile for disruptive student behavior, and, perhaps, violence. This does not mean that every student should be seated quietly at a desk with a book open or busy filling in the blanks on a form. It does mean that the lessons have been carefully planned to elicit maximum teaching and learning. It means students are *actively engaged* in learning activities—sometimes in groups, at other times working alone, and later as a full class. It means using strategies to ensure that students comprehend what is being taught and are able to demonstrate their understanding of the coursework. It means insisting that all students strive to meet the academic as well as behavioral standards for the class and assisting those who have difficulty doing so.

Teachers know that disruptive or violent behavior in the classroom is a way for some students to mask their frustration and anger over their academic deficiencies. The fact that all students are not alike and do not acquire knowledge the same way must be reflected in the teacher's method of instruction. Applied strategies of effective teaching, along with lesson plans that respond to students' cultural diversity and learning styles, can significantly reduce instances of potentially disruptive or violent behavior.

Strategies for Individual Students

Thus far, this chapter has focused on violence in schools and strategies for addressing the problem from a classroom or schoolwide perspective. However, it is also important to focus on individual students in order to prevent them from becoming chronically disruptive or violent. The following strategies are designed to encourage students to focus on discipline as a positive means of behavior.

Tutors and Mentors

The discussion above cited lack of parental supervision at home as one of the factors contributing to student violence. With the absence of a "significant adult" in their lives, many students lack the nurturing that comes from parental support and guidance. Some school communities seek to fill this void by establishing tutoring programs and providing mentors for students. The mentors are community volunteers from business, service organizations, colleges and universities, churches, and retiree organizations. They have made a significant difference in the lives of many young people.

Employment

Some schools and communities have made efforts to reduce the number of property crimes by providing part-time employment for students during the school year and full-time employment during the summer months. The goals of these work programs include building self-esteem and a sense of responsibility, and learning the value of money and the importance of getting a good education and staying in school until graduation (Kuhn, 1990).

YouthCollaboratives

With encouragement and financial support for pilot programs from the National Alliance of Business and the Ford Foundation, several urban school districts have organized "youth collaboratives." These collaboratives, also known as "The Compact Project," began with the Boston Compact and have extended to over a dozen large urban school districts. Focusing initially on school dropout prevention and the preparation of youth for the work force, they were among the early proponents of the need to provide coordinated services for youth and families. With the support of the business community, school districts seek to address the needs of students at risk of educational failure through the combined efforts of the city government, health, law enforcement, education, and social service agencies, and the religious community (National Alliance of Business, 1989).

LONG-TERM SOLUTIONS

Some would say that the best way to address the issue of violence in schools is to simply get tougher with the perpetrators. Others say that the solution must be to instill better moral values, for children are suffering from ethical confusion and media pollution. Still others would say that the solution is to attack violence at its roots through a variety of efforts, such as providing parents with training in parenting skills, providing the whole family with social and economic supports and training in nonviolent conflict resolution, and providing children with a strong sense of right and wrong and a safe community in which to develop. Taken alone, each solution is too simplistic. Taken together, the three options make a strong program for stemming youth violence in schools and in communities.

Recognizing and accepting the need for change are critical steps toward any efforts to reduce violence in schools. Change is a process that requires a sustained commitment from those desiring it—individuals, families, schools, and communities. Working to increase discipline, order, and safety in schools requires all parties to examine the attitudes, behaviors, and values that define them.

Finally, but most importantly, youths themselves must learn that they are responsible for their personal behavior and actions and that they are personally accountable for what they do in school and in the community.

Early Intervention

It is at the formative level of a child's life (until approximately year nine) that families and communities must inculcate positive attitudes and modes of behavior. Therefore, at the prekindergarten through fourth grade levels school districts should implement counseling programs, role modeling and mentoring, and antiviolence and safety programs for students. This agenda must also include developing respect for oneself and others. Forums should be provided, for example, where students can discuss sensitive issues related to racism, poverty, sexism, religion, and violence.

In addition, conflict resolution programs should be integrated into the school's curriculum and participation should be required for all students. These programs should be introduced early and resources should be committed to sustain them at all levels of the school system. Such programs should also be accessible to parents who wish to participate in them.

Districtwide Discipline Codes

Every school district should have a clearly defined discipline code that is communicated to students and their parents each year. A major focus of it should be understanding discipline as a positive rather than a negative sense of being. The emphasis must be on prevention as well as intervention. Equally important, the discipline code should be enforced consistently, firmly, and fairly.

It is also critical for teachers, parents, and members of student services programs to work together to help schools and communities address the issue of increased youth violence. School psychologists, counselors, nurses, social workers, speech-language pathologists, and all other student services personnel must be part of the violence prevention decision-making process. Further, schools should maintain a liaison with local police authorities since some acts of violence in schools are a spillover from disputes that originate in the community.

Health and Social Services

Students experiencing emotional, psychological, or physical problems that interfere with learning should have access to the educational, therapeutic, counseling, and diagnostic services to correct those problems.

Parents who need support and training to be better parents should have access to programs that provide it. It is particularly important where there is evidence of child abuse or neglect. These programs are also important for families with nonexistent or poor communication between parents and their children.

Children with disabilities should be provided with the special education and

related services that they need—not just because it is the law, but because it is the right thing to do.

Staff Training

Teachers see the negative and positive sides of student behavior and attitudes long before school boards, central administrators, or the community become alarmed and decide to act. They know the symptoms of incipient violence long before the metal detectors, security guards, or random searches become part of the school environment. Teachers see signs of disruptive, even violent, behavior as early as preschool and elementary school.

Yet, teachers are often unprepared to address the needs of disruptive, often violent, youth. Therefore, teachers and building-level administrators must receive intensive training and sustained staff development for dealing with violence. At the same time, teachers and their professional organizations, student services personnel, school district officials, and community leaders must work together to develop programs to reduce and prevent violence in schools. These programs must include strategies for working with families and community groups because schools cannot do the job alone. In addition, school districts should inform teachers and administrators about social services available in the community and how they can be accessed (Futrell, in press).

Unfortunately, teachers often do not know how best to help young people who are having problems. Thus, teacher and administrator preparation programs in schools of education must include the following types of training, with master teachers, if possible: how to create and maintain a well-managed and well-organized classroom, how to deal with student disruptions, how to work effectively with parents so that their children meet academic and behaviorial expectations, how to work effectively with an ethnically and economically diverse student body, and how to find community health and social services and link families to them.

Community Programs

Students must also have experiences in their homes and communities that reinforce positive attitudes and behaviors. Religious groups, the media, civic organizations, and student groups, such as Girls and Boys Clubs, should provide continuing opportunities and experiences that enable students to resolve differences or conflicts nonviolently. Central to these efforts must be parents and guardians. They, in particular, must assume a greater responsibility for their sons' and daughters' behavior within the home, the school, and the community.

CONCLUSION

It is important for communities to urge all local groups and individuals to work with schools to ensure implementation of comprehensive and long-term strategies to support successful youth development (Futrell, 1994; Manzo, 1992). Communities, for example, spend thousands of dollars on metal detectors and security guards each year. Yet, other than make schools appear more like prisons, these strategies have not eliminated violence from schools nor necessarily made students or staff feel safer.

What would happen if some of those dollars were used to create jobs for youth, build recreation facilities for children, establish year-round counseling and tutoring programs for students who need them? What would happen if child care programs were established in schools so children could receive supervised attention, rather than stay at home alone for hours? What would happen if instead of sending adolescents to boot camp, we sent them to residential academies where they could learn about math, science, computers, and have fun at the same time? What would happen if more of these children were in programs like Outward Bound? These types of investments would yield far more for our tax dollars and be more beneficial to society than installing metal detectors in school or hiring more hall monitors.

Americans cannot afford to ignore or minimize the magnitude of violence in

schools and its implications for the larger society. Nor can we simply build more prisons and chant slogans like "Three strikes and you're out!" This is not a game. In five to ten years these young men and women will become part of the adult population. They are the people who will be expected to safeguard and enhance the civil, human, political, and economic rights of the citizens of our country. It is the future of this nation and the kind of society we want that is at stake.

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GANG ACTIVITY AT SCHOOL: PREVENTION STRATEGIES*

Shirley Lal

INTRODUCTION

Whether by choice, design, or necessity, schools are largely responsible for socializing America's youth. Given the nature and acceleration of school violence nationally, today's educators believe that this task is just as important (if not more so) as the instruction of academic subjects. University and college teacher preparatory programs usually do not provide courses to address school violence, however, so school administrators, teachers, and support staff members are not trained to control school violence and are not likely to recognize and address gang activity.

To provide educators with a thorough understanding of gangs so they can take appropriate action, this essay reviews what is known about gangs and the impact and consequences of gang activity in schools. It also suggests a variety of strategies for preventing gang activity on school campuses.

GANGS: FROM SOCIAL GROUPS TO VIOLENT DELINQUENTS

In the past, researchers frequently used the terms *traditional gangs*, *established gangs*, or *youth gangs* to typify the gangs that had been operating in

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neighborhoods (hoods) for more than 10 years (Lal, Lal, & Achilles, 1993). Newer terms, such as *clique* and *set*, are now often used to identify a gang or an off-shoot of a gang. All these terms for gangs have the same meaning in the following discussion.

Structural Characteristics

Nationally, youth gangs and their activities have been a recurrent and visible indication of intense disorder in society. In essence, changes in gang structure parallel the structural changes in society. For example, gangs became more violent as a result of increased violence in society in general.

A review of current literature on gang research reveals that the classical works conducted in the 1920s-50s by sociologists such as Thrasher (1927), Shaw and McKay (1931), Tannenbaum (1939), Cohen (1995), and Whyte (1955) are still being cited for their theoretical significance. That early research, subsequent work in the 1960s-80s (Spergel, 1964; Moore, 1978; Ban & Ciminillo, 1977; Miller, 1977; Haskell & Yablonsky, 1982), and the findings from recent studies (Campbell, 1990; Taylor, 1989; Huff, 1993; Lal et al., 1993; Thornberry, Krohn, Lizotte, & Chard-Wierschem, 1993) have produced various definitions and structural characterizations of gangs. The following are the most often cited gang characteristics from this body of literature:

- Members are typically young teenage males of similar ethnic or racial backgrounds (usually from disorganized families in the inner-city).
- Loyalty and adherence to a strict gang code (i.e., the gang is more important than anything) is mandatory.
- Cohesiveness among members increases as recognition from society increases.
- Loyalty and camaraderie are solidified by participation in group activities that are often antisocial, illegal, violent, and criminal.
- Goals, identified roles, and responsibilities are clearly established and defined (they are often unspoken but are understood by all members).
- The chain of command is hierarchical.

- Identification with a local territory (often referred to as gang turf, hood, or barrio) is commonplace in the neighborhood as well as on the school campus.
- Recruitment is an ongoing process, especially at school.

Characterizing present-day gangs (1980s-90s) is not a simple task because they are more diverse and complex than gangs of earlier times. In addition, today's gangs are distinguishable from gangs of the past in the following manner (Campbell, 1990; Huff, 1990; Lal et al., 1993; Taylor, 1993):

- Younger active members (some as young as eight- or nine-years-old).
- Evidence of ethnic and racial crossover in multiethnic neighborhoods.
- An insurgence of female gangs.
- Established cliques or sets in suburban communities.
- Acquisition of large sums of money from illegal drug markets and prostitution.
- Rampant use of drugs and alcohol.
- Violent membership.
- Use of sophisticated communications devices and automatic weapons.
- Employment of guerrilla warfare-like tactics.
- Total disregard for human life as evinced by the senseless deaths of innocent victims.

Cultural Distinctions

Gang culture can best be understood by examining the behaviors and activities of gang members. Members behave in ways that set them apart from the mainstream culture. These behaviors serve not only to segregate and sustain the gangs, but they also add an allusion of mystery and glamour that is sometimes referred to as "the lure of the gangs." Non-gang members who become infatuated with gang culture are said to be "romancing the gang." Gang distinctiveness is most noticeable in: attire and paraphernalia; identifying marks such as tattoos; posturing; modes of communication; beliefs, attitudes, and general trends in thinking; and activities (especially recruitment). The term *gang mentality* is often used to describe

these characteristics (particularly members' attitudes and trends in thinking) and connotes more than a simple commitment to gang values: it is a willingness to do *anything* (even die or commit murder) the gang demands without question. Members refer to this mentality as "being down for the hood," or being "loco" (crazy) for the gang.

Traditional youth gangs and their individual members do not simply "appear" in neighborhoods and on school campuses. Their patterns of behavior are established over time through an evolutionary process (Lal, 1991). In their significant research on juvenile delinquency, Haskell and Yablonsky (1982) described three prototypes of gangs that may evolve from groups of youths who hang out together: the *social, delinquent*, and *violent gangs*. These prototypes provide the basis for discussion on patterns of gang development in current research. Present-day gangs have evolved past the social stage and are defined as either delinquent or violent depending upon the type of membership and their activities (Taylor, 1988, 1989; Lal et al., 1993; Thornberry et al., 1993). School officials are most likely to encounter delinquent gang type activities on campus, such as intimidation, extortion, burglary, face-to-face confrontation, fights, and recruitment rituals.

Members proceed through four developmental stages in the evolutionary process: the *wannabe* (one who wants to be a member) or the *gonnabe* (one who is probably destined to be a member), which is a more recent term for wannabe; the *peripheral* (one who hangs around the gang, and may or may not engage in activities); the *affiliate* (an actual member also known as a "gang banger"); and the *hard-core* (one who lives only for the gang, is "down for the hood" or a real "vato loco"). The activities of gang members determine their position in the evolutionary process. For example, members engage in minor gang activities, such as hanging around, flashing gang signs, graffiti writing and claiming territory, before they become involved in serious hard-core illegal infractions, such as assaults, drug trafficking, and murder (Lal, 1991). Some recruiting practices bypass these simple activities; in such cases, hard-core members emerge overnight.

Like the rites of passage most teenage males experience, potential gang

members are required to prove their worthiness by coming through some type of ritual before achieving actual membership. In the past, ritualistic practices were simple; recruits would fight several members to demonstrate their daring and desire to join. Even the term designated for this practice, *courting*, has a ritualistic connotation. Being courted-in or -out (also known as jumped-in or -out) as a way of joining a gang is currently being used by less violent gangs.

Initiations for the seriously delinquent and violent gangs consist of more than a simple fight; participation in theft, gang rape, drive-by shooting, and even murder is common for today's recruit. Because the focus of today's gangs has dramatically shifted from the protection of turf (at the very least) to the protection of drug markets, the course of recruiting has also shifted. In gang neighborhoods with heavy trafficking in drugs, prostitution, and the sale of sophisticated weapons, the control and acquisition of financial profit from these markets has become one of the paramount reasons for gang membership (Taylor, 1989; Padilla, 1992; Lal et al., 1993; California State Office of the Attorney General, 1994, 1995). These and other sources reported that youths who have a propensity toward delinquent behavior are four times more likely to engage in illegal acts and violent crimes as gang members than they would as non-gang members. Moreover, the likelihood of gang membership increases if youths are exposed to family, community, and school risk factors such as these:

- Dysfunctional family conditions (e.g., poor parenting skills, continuous violent and abusive practices by adult members, drug and alcohol abuse, and a family history of gang membership).
- Deteriorated environmental conditions (e.g., depressed socioeconomic circumstances and a history of gangs in the neighborhood).
- Poor performance in school (e.g., serious academic and attendance problems and failure to engage in positive peer relationships and/or activities).

Extent of Gang Activity

It is no secret that gangs and their antisocial activities have been increasing

at alarming rates in communities and on school campuses nationwide. From the 1920s to the present day, gang activity has not only increased and intensified, it has done so with notoriously senseless crime and violence.

A comparison of data collected in two distinct studies demonstrates the startling increase in gang membership in the U. S. over a ten-year period. According to a study conducted by the U.S. Department of Justice (Needle & Stapleton, 1983), there were approximately 1,000 known gangs with a combined membership of 50,000 operating in the U.S. by the end of the 1970s. In contrast, by the end of the 1980s these numbers increased to approximately 5,000 gangs with an estimated membership of 250,000 (United States Department of Justice, 1994).

Both studies cited several reasons for this expansion, such as population growth, urban sprawl, high unemployment, augmented mobility of gang members, and new drug markets. Whereas the major well-established gangs of the 1970s (and earlier) generally operated from bases within their traditional neighborhoods (in highly populated, urban, low-income, and racially isolated areas), gangs of the 1980s were beginning to expand their bases of operations across the states (to less populated, suburban, middle-income, and racially integrated areas). Recent data on gangs reveal that they have become entrenched in all types of American neighborhoods, more so than at any other time in this nation's history.

A comparison of statistics in Los Angeles (LA) County—often considered the "gang capital" of the nation—provides a local perspective. In 1988, the National School Safety Center reported that there were 600 gangs in existence, with a membership well over 70,000 in LA County alone. The LA County Sheriff's Department reported that there were 1,130 known gangs with approximately 150,000 members operating in LA in 1993. This pervasive expansion gives new meaning to the term *alarming rates*, and suggests that current efforts to curb the gangs have been less than successful.

Other urban locations, such as Chicago, Cleveland, Detroit, Newark, and New York City, have experienced similar increases in the number of gangs and

gang membership. But the problem is no longer just confined to urban areas. The existence of gangs, through importation or creation, in suburban and other less populated locales, once virtually free of gangs, has signaled the beginning of a frightening reign of gang activity. Cities such as Phoenix (AZ), Long Beach (CA), Sacramento (CA), Stockton (CA), Jacksonville (FL), Kansas City (KS), Dallas (TX), Houston (TX), and Portland (OR) have been regularly struggling with gangs and their activities.

Impact and Consequences of Gangs in Schools

Discerning the effects of the expansion of gangs in neighborhoods is relatively simple. Law enforcement agencies, especially those with a gang detail, customarily maintain accurate gang data and readily publish or release this information to the media. Unfortunately, this is not often the case at schools. School administrators are not usually quick to acknowledge the existence of gang activity, so accurate gang statistics are not forthcoming. This reluctance hampers efforts to ascertain the extent of gang activity at individual schools. On a district level, differences in perceptions, lack of standards or policies, and inaccurate reporting practices result in skewed statistics. (For an overview of school reporting of violence in general, see ERIC Clearinghouse on Urban Education, in press).

Students more readily acknowledge the existence of gangs in school than do adults. In 1991, the U. S. Department of Justice conducted a nationwide survey of students to ascertain certain facts about school violence (Bastian & Taylor, 1991). This study reported that 15 percent of the students stated that gangs were active on their campus. Moreover, 16 percent indicated that they had witnessed gang members engaging in threatening acts against a teacher. Similarly, the California Student Substance Use Survey, conducted by the State of California (California State Office of the Attorney General, 1994) revealed that an average of 17 percent of students from grades 7 to 11 were involved in gangs at one time or another during their life.

Although school officials estimated a very small portion of their total student body population to be gang affiliated, they also indicated that responding to gang

activity required excessive amounts of time and resources (Lal et al., 1993). Maintaining a safe and secure school where gang activity is prevalent requires special tactics. Some large school districts have followed the lead of local, state, and Federal agencies and formed task forces to tackle the problem. District members believe that collaborative efforts among law enforcement, schools, families, churches, and social agencies are fundamental to gang prevention programs.

There are benefits for the gang members staying in their neighborhood schools. Lal (1991) reported that an overwhelming majority of members wanted to stay in school because they could congregate and discuss their activities in a social arena, uphold their reputation as an established gang, flaunt their accouterments, display their strength of membership, provide protection for their members, intimidate other students, recruit potential members, and sometimes engage in criminal or violent acts. But, of course, these benefits for the gang have negative consequences for all students, school personnel, school safety, and the overall educational process.

DEVELOPING A GANG PREVENTION PROGRAM

A Realistic and Distinctive Approach

School officials must be realistic in their approach to gangs and decide whether to concentrate their efforts on preventing or reducing gang related activity. The term *prevention* implies that methods can be employed to remove evidence of gangs and negative gang activities at school. *Reduction* implies that methods can be employed to lessen the effect of negative gang activities. The suggested prevention strategies in the following discussion also have relevance as reduction strategies.

Administrators who deny the presence of gangs limit their options to confront gangs realistically and effectively. In studying Detroit gangs, Taylor (1988) recognized that school administrators were victims of the "ostrich syndrome" when they became defensive and ignored critical problems at their

schools. Lal (1991) also found that in denying negative situations (such as gang activity) school officials exacerbated the problem. Reluctance by officials to address the gang issue on campus is primarily due to a lack of knowledge about gangs. Once school officials acquire the knowledge and transcend the denial stage by adopting a realistic perspective, they can initiate, maintain, and evaluate solution strategies.

Administrators who are most successful in their efforts to confront negative gang activities are those who develop a site specific approach to the problem (Lal, 1991). In doing so, a distinctive leadership style emerges that permits officials to possess a certain mentality (attitude) about gangs. Similar to the gang mentality of most gang members, which in essence holds that nothing is more important than the gang, and members are willing to do whatever the gang demands, so too must school officials adopt a "positive school mentality." Administrators must believe that nothing is more important than providing a safe school environment for students and staff members, and be willing to do whatever is necessary to prevent or reduce the negative effects of gang activity on campus. However, unlike the gangs, this mentality must not diminish the value of the individual student as a human being. "You accept the person. You do not accept the disruptive behavior" (Lal et al., 1993, p.44).

Taking a distinctive approach encourages the development of an organizational framework for the school's gang prevention program. There are various ways to organize site specific solution strategies, and school officials must decide what is most beneficial for their school. Regardless of the organizational design, constant revisions of strategies will be necessary. They should be adaptable because of the vacillating behavioral patterns of gangs. The following sections discuss three categories of solution strategies: operational strategies, alternative behavior strategies, and engagement strategies. (Alternatively, for a comprehensive narrative of organizing solutions based on two categories, primary and secondary strategies, see Lal et al., 1993, pp.44-53.)

Operational Strategies

Operational strategies direct the operation or processes of the program. Initially, the principal sets the tone for change and employs key personnel to assist with operational or organizational tasks. Later this core group (including the principal) may be expanded to a team that will assume responsibility for all program elements. Development of this process will depend on the individual situations at each school. The following operational strategies have conventional applications for a variety of campus circumstances (Lal et al., 1993, pp.33-43).

- Create a positive environment by developing a school philosophy about gangs.
- Assemble a support team and delineate tasks.
- Establish a communications network
- Analyze the school and community environments.
- Formulate realistic goals and objectives.
- Enact school policy related to gang activity.
- Maintain school security.
- Coordinate the development of all solution strategies.
- Provide for continuous evaluation and modification.

Creating a positive environment is no simple task. As the school leader, the principal is ultimately accountable for the entire educational process and the cultural climate of the school. Bringing about change, while cultivating the commitment of school personnel, students, and parents, will require dedication and skill. This process will not occur overnight and is not a single effort. Just as the gangs proceed through an evolutionary process, schools in transition must also experience evolutionary development. School officials attempting to create a positive school climate must possess certain characteristics and engage in specific behaviors and activities, just as gang members do. Administrators must be unfailing in their convictions (but flexible), practice the dynamic and enthusiastic behaviors of a positive leadership style, and be actively involved in all aspects of the program (Lal et al., 1993).

One of the first activities for the administrator is ***establishing the school's "gang" philosophy***. Gangs have an unwritten philosophy (gang code) that all members comprehend and adhere to (i.e., nothing is more important than the gang). Similarly, the school's gang philosophy or code should be understood by all, aligned with the school's overall philosophy, publicized, and guide all elements of the program. Lal et al. (1993) offered the following example:

> This school campus is a neutral and safe place. The only gang allowed here is the (name of school) gang. All students belong to our gang. It's our family. Negative and disruptive gang behaviors will not be tolerated on this campus. Members will not be ostracized simply because they are members, but will be treated equally and fairly. If members engage in unacceptable behavior, they will be subject to disciplinary action. (p.34)

Assembling a support team requires knowledge about the faculty and skill in assigning tasks. It is critical that staff not be coerced into performing certain tasks simply because of a job description. Often the person best suited for a specific task, such as gathering information about the gangs on campus, is a person with ties to the community rather than the administrator in charge of discipline. Because selection of team members is highly related to program tasks, membership recruitment criteria should include levels of expertise (all members will eventually obtain an adequate knowledge base of the gangs), willingness and readiness to complete assigned tasks, and interpersonal relationship skills. Students are often overlooked as resources; administrators would be wise to investigate the possibility of including students (gang and non-gang members) on the team. The following is a suggested pairing of team members to tasks (Lal et al., 1993, p.40):

- **Principal** (or team coordinator): inventories available resources and facility operations, reviews policy, schedules, and assignments, and establishes program parameters.
- **Administrator in charge of discipline** (or designee): reviews school discipline records of suspected gang members, documents the number and types of gangs and their activities, checks for patterns that offer clues to gang activity.

- **School police officer or security aide**: acts as a liaison between the school and outside agencies, gathers data from these agencies regarding gangs in the community and on campus, and collects and records data on known and suspected individual members. (If no such position exist, one can be created or other team members can assume theses duties.)
- **On-site non-teaching personnel**: have spheres of responsibility greater than those of a teacher. Includes psychologists, counselors, resource specialists, or department chairs. However, if a teacher's knowledge of and experiences with gangs are especially valuable, the principal may find some release time so the teacher can become part of the team.
- **Off-site personnel:** includes members of the parent groups, advisory councils, community agencies, and local law enforcement agencies, and others possessing varying degrees of expertise. Assign an on-site liaison to disseminate and receive information from these persons if they cannot be present on campus.

Establishing a communications network facilitates the flow of written (by way of memos, bulletin board notices, letters to parents) and oral information (through meetings, conferences, informal conversations) among members. Open lines of communication between team members, other school personnel, students, parents, community members, and law enforcement and social agencies should be fully operational in the early stages of program development. Gathering and sharing information is an essential and ongoing task. For example, regularly scheduled meetings, telephone trees, and coffee klatches provide opportunities for sharing and updating information about program components and the gang situation.

Analyzing the school environment, a site specific task, is ancillary to defining the gang situation with respect to extent and intensity of activity. Several data gathering methods can be employed to assess campus conditions: observations, interviews, surveys, and perusal of student records. For example, a questionnaire to and interviews with school personnel and students may reveal general and specific knowledge about the gangs, their members, and their activities. Observations of students and interactions between school personnel and students may yield useful information about the social system or climate of the school.

may yield useful information about the social system or climate of the school. Interviews and informal conversations with local law enforcement and other social agencies can be used to cull information about gang operations in the community. Inventory of the plant facility, equipment, and supplies alerts administrators to those items that either need to be purchased, replaced, or repaired to improve safety and security. Thorough analysis of the school facility and operations, physical resources (schedules, personnel, equipment, etc.), and human resources (faculty, clerical, custodial, etc.) not only provides valuable information, but can be a vehicle to build rapport and support for the program.

Formulating realistic goals and objectives is completely dependent on the analysis of the all data gathering efforts. Goals should be realistic, obtainable, and subjected to evaluation. For example, if there is an intense gang faction at school and in the community, school officials must face the possibility that prevention efforts may be less successful than reduction efforts. Thus, the primary goal (at least for the first year) would be to reduce the visibility of the gang element on campus. Terminal objectives (time-bound expected outcomes) and process objectives (methods to achieve outcomes) support the goals (Lal et al., 1993). An example of a primary goal, and related terminal and process objectives is presented here:

Goal: Positive, preventive and proactive aspects of the gang intervention program will be preserved.

Terminal Objective	**Process Objectives**
1. All visible signs of gang attire and paraphernalia will be eliminated by the end of the first semester.	1.1 Dress code policy prohibits gang attire and paraphernalia. 1.2 Faculty reports violations of dress codes to administration. 1.3 Administration imposes discipline measures for violations consistent with dress code policy.

Because gang activity has become prevalent at schools, school districts must enact policies to regulate the behavior of gang members. Moreover, school administrators should develop site-specific gang related policies that are aligned with district policies, the school's philosophy and general policies, and program goals and objectives. Gang-related policies should appear in a special section of the student handbook, be posted in all offices and in classrooms, and be mailed home to parents. Policy statements should include a list of clearly written encouraged and prohibited activities and the consequences for violating policies. Lal et al. (1993, p.43) provided the following examples of policy statements:

- All prohibited activities are subject to disciplinary measures.
- Articles of clothing identified as gang attire cannot be worn on campus.
- Writing graffiti on property, books, notebooks, book covers, and papers is prohibited.
- Flashing gang signs and yelling gang slogans and gang names are prohibited.

Traditional consequences for disciplinary infractions are typically punitive, reactive, and meted out in stages (for each successive infraction), such as warning, paper pick-up detail, detention, student and parent conference, suspension, transfer to another school, and expulsion. Lal and Lal (1990) suggested that school officials employ constructive discipline immediately (no warnings) and specifically for each infraction. For example, writing graffiti warrants graffiti clean-up, and monetary restitution. Isolation from the gang during breaks and lunch, and Saturday detention or work detail, is mandatory when the member engages in flashing or slanging. In like manner, being involved in face-to-face confrontations or intimidation may demand counseling with the gang member and parents, mandatory attendance at weekly meetings with a gang counselor, and referral to a community antigang agency. In essence, disciplinary measures should take into consideration the type, extent, and occurrence of the infraction. Although these measures are also reactive, their aim is to hold the student accountable for his or her own actions.

Recent attempts to counteract the rising tide of school violence have focused on strategies that include the students in the process. Strategies such as student review boards and peer courts are positive, reactive, and primarily used at the high school

level. Unfortunately, positive and preventive strategies used to build self-esteem and to teach students how to resolve conflicts are typically found in elementary schools, although major conflicts occur at the secondary level. It is therefore important to enact constructive, positive, and proactive antiviolence policies at all school levels.

Maintaining campus security is necessary at all times and absolutely critical when gangs are present in the community and at school. Plans to protect the integrity of the campus should be developed in conjunction with district security and/or local law enforcement. Officers from these agencies can provide suggestions about safeguarding the school's physical environment (securing access to campus grounds and buildings, scheduling and strategic placement of supervisory personnel, investigating acts of vandalism and graffiti, etc.). They can assist with supervision at critical times, especially when there is potential for gang incidents that occur in the community to spill onto the campus. Supervisory personnel should be highly visible at all times, maintain and use hand-held two-way communication devices (walkie-talkies), and be apprised of all possible avenues of access to and exit from the campus. Locales where gangs are known to congregate and engage in prohibited activities require close supervision.

The appearance of the school adds to the perception of safety. If the building and individual classrooms are disorderly and graffiti ridden, a message is conveyed that campus safety and conditions are not a high priority. Efforts should be made to graffiti-proof buildings and walls; install door alarms; equip offices and classrooms with an intercom system; hire additional security personnel to work before and after school and during break and lunch periods; and involve family and community members in campus security improvement projects.

Campus safety strategies should not only cover the appearance and security of the physical plant, but also the actions of supervisory personnel in emergency and/or potentially dangerous situations. Consequently, safety training for staff should include tactics to prevent volatile situations as well as tactics to be employed when such situations arise. A prevention technique that has extensive utility is the development of an "eye contact network" for supervisory duty. School personnel

are placed at key positions within eye contact of each other; assigned particular locations to watch; and indicate by eye contact or walkie-talkie any suspicious actions. For example, two major clues that the gang is going to be involved in some type of disruptive action are: the absence of members from their claimed territory during non-class times; and roaming, or movement of the gang from one location to another. Observance of the latter generally requires a sixth-sense, like noticing the movement as it just begins to happen. Acquiring this sense is accomplished by vigilant observance (noting the nuances of individual members) of the gang as they mill and begin to move about. Once the gang is on the move, supervisory personnel should intercept and question members; this intervention usually thwarts their intentions.

Alternative Behavioral Strategies

Alternative behavioral strategies are designed to turn around the negative behavior of gang members and to prevent them from engaging in disruptive activities. Defining gang activities, identifying and documenting gangs and members, building interpersonal relationships with members, involving members in school activities, and providing educational alternatives are proven effective solution strategies (Arthur & Erickson, 1992; Lal et al., 1993). Utilization of these strategies may require school personnel to alter their attitudes about and behavior toward the gangs. Lal et al. (1993) discussed accepting the gangs on campus as a positive way of involving members in the daily activities of the school experience. Assimilation of members into the mainstream of the student body reduces recruitment by minimizing the lure and mystery of the gang. An anticipated outcome of this approach is that "...desired positive characteristics and behaviors increase, as unwanted negative ones decrease" (p.57).

Defining Gang Activities

Because the major portion of gang behavior and activity is disruptive, illegal, and often violent, school officials have difficulty in acknowledging that some gang behaviors are positive. Ironically, those behaviors that might be viewed as positive, such as camaraderie, loyalty, cohesiveness, and a desire to be respected are often

eclipsed by the appearance of the gang as members hang out and engage in negative activities. The very nature of a closely supervised campus can deter most overt negative behaviors such as large-scale gang fights, violent assaults, and excessive use and sales of drugs and weapons. Activities such as milling, roaming, flashing, and slanging are neither illegal nor violent, but are considered negative if they create a disturbance, interfere with classroom instruction, and disrupt normal school operations (Lal et al., 1993).

Awareness of gang activities often precedes identification of the gangs and members. One of the first signs that gangs are operating in an area is the appearance of graffiti, albeit without the physical appearance of gangs. Comprehension of the underlying intentions of gang activity will assist school personnel in developing specific strategies and enacting policy to counteract their occurrences. Lal and Lal (1995) provided the following list of activities and intentions:

Activity	**Intention**
Graffiti	Communicating, warning, marking turf
Flashing/Slanging	Claiming affiliation, identifying, threats
Hanging out	Marking turf, show of force, protection for members, relaxing
Intimidation	Gaining control, gaining respect, instilling fear
Recruitment	Building a power base, establishing loyalties, sustaining membership
Extortion	Instilling fear, gaining respect, easy money
Assaults/Fights	Courting-in/out, retaliation, gaining respect, show of force
Drug use/dealing	Acquiring money, getting high, partying
Use/Sale of weapons	Protecting self, members, turf, drug traffic, acquiring money

Identifying and Documenting Gangs and Members

Cooperation between the school and law enforcement personnel ensures the effectiveness of identification strategies. Identifying and documenting the gang

population in school and in the community are continuous and evolving processes, because gang membership is transitory. The following basic steps of identification strategies require intelligence gathering type tactics such as: surveillance, investigation, and documentation (Lal et al., 1993).

Surveillance tactics involve observation of: (a) locations where groups of students congregate, mill, or hang out; (b) signs of graffiti at these locations, an indication that the group is claiming or has claimed that territory; (c) patterns of movement, as the group moves or roams from place to place; (d) peculiar behaviors of individual group members, such as their stance, walk, speech, and actions like flashing gang signs and yelling out gang slogans; (e) evidence of gang paraphernalia, such as caps with the gang insignia, rags hanging out of pockets, graffiti on personal belongings; and (f) physical appearance, such as scars, tattoos, hairstyles, and pierced body parts.

In the initial investigation stages it may not be clear who the gangs are, so it would be prudent to identify any groups and group members who gather. This process allows school administrators (and those who assist with the investigation) opportunities to become familiar with members of the gangs as well as other students. Investigation techniques also facilitate the discovery of associations between gangs, their members, and their activities.

Investigation tactics for group identification entail: (a) ascertaining names of gangs by speaking with law enforcement personnel, community members, ex-gang members, and other students; (b) determining the type of gang (newly formed, delinquent, or violent) by observing and making inquires about their activities; (c) making connections between the gangs and their claimed territories by noticing if members occupy the same location daily; and (d) noticing possible gang paraphernalia, such as certain colors, style of dress, and graffiti. Additional investigation tactics used to identify individuals as members include: (a) identifying members by their given name and their gang nickname—moniker or placa—which appears in graffiti; (b) classifying members as either wannabe (those who are hanging around and romancing the gang), peripheral, affiliate, or hard-core.

Compilation and documentation of data are subsequent to data verification by additional sources (some informants may not be reliable). Law enforcement and community agencies that encounter gangs on a daily basis are the most reliable verification sources and can supply additional information to a database. Available resources and personnel expertise will determine methods of data storage. Effective methods have key descriptors (coded), cross-referencing, built-in updating features, and protected access as essential components.

Whether data are stored on computer files or handwritten logs, certain information is critical (but all of it is not necessary to initiate the record; information can be added at any time). For example, in making gang associations, list the name of the gang, its known members and those who hang around it; classify the gang (i.e., delinquent) and members (i.e., affiliate); provide samples of paraphernalia and graffiti (placas); identify their claimed territory; and list activities the gang has engaged in at school and in the community. Records of individual members include vital statistics such as the student's name, address, phone number, name of parent or guardian, class schedule, gang affiliation, and moniker. Photographs of members and graffiti (on buildings, walls, desks, books, etc.) provide an additional source of identification.

Another documentation tool is the student profile, referred to by Lal et al. (1993) as an assimilation profile. School personnel update and evaluate student progress in the profile at regularly scheduled intervals. Profiles have the same key elements, and contain all of the data noted in the identification file, plus this additional information:

- Academic progress, attendance patterns, and disciplinary matters.
- Recruitment to and/or involvement in school clubs or activities.
- Record of all conferences (note significant results).
- Notations of class schedule changes and reasons for the change.

As part of the documentation process, inform members that they are being investigated, that a file on them is being maintained, and that they and their activities are being monitored.

Building Interpersonal Relationships with Members

Building rapport with students is an arduous process, and requires special skills usually linked to the leadership or operational style of the adult. Cultivating the necessary skills to interact with gang members may be difficult, but not impossible. Revisiting the reasons for gang membership will facilitate this task. Members are attracted to a gang because it satisfies certain social and emotional needs not found in the family, society at large, or in the school environment. A review of school records and discussions with teachers, family members, and significant others provide clues for approaching and interacting with individual members.

Learning the names of members is necessary before any attempts at building rapport can begin. Most students, gang and non-gang affiliated, feel a sense of importance when adults at school call them by name. Maintaining the distinction of the adult position and demanding respect at all times while interacting with the members is essential. Members do not need another buddy; they have each other. They do need a person who can assist in their transformation from a gang member who engages in unacceptable and antisocial behavior to a person who is accepted by the society at large.

Lal (1991) found that regular contact and communication with members are most successful in informal settings (i.e., when hanging out in their claimed territory). Dialogues with members at regular intervals and in various situations also support a wide range of relationships between members and school personnel, just as interaction among members during milling periods promotes camaraderie. Initially, members may be wary of and resistant to these efforts, especially if they know they are being watched. Therefore, first contacts with members should be positive, brief, and conducted when gang members are together. If a private conversation with an individual member is desired, a formal setting may best suit the need. Conferences with individual members provide opportunities to discuss school progress, home situations, and social activities away from fellow members. When a strong relationship develops between the member and the adult, discussions can focus on serious issues, such as alternatives to gang membership.

Involving Gang Members in School Activities

Of all the strategies mentioned thus far, involving gang members in activities that are school-related, and not gang-related, may be the most difficult. Members seek respect from each other and from non-gang members and usually find it by maintaining a tough image. They do not want to be known as a school-boy or school-girl (terms used to denote the studious). Involvement in school programs may require members to change their habits and style of dress and they may not want to sacrifice their gang behaviors for a school-boy or school-girl type image. Successful involvement strategies are those that give members a sense of pride and permit them to maintain a semblance of respect from the gang while performing a responsible function for the school. Lal et al. (1993) provided the following strategies: assigning members to roles such as office monitors, teachers' assistants, and ushers; assigning members to school staff as "adoptees"; and encouraging participation in school clubs and student government.

Providing Educational Alternatives

A review of academic progress, attendance patterns, and disciplinary records is not only necessary for documentation of gang membership, but it is also helpful in selecting appropriate alternative educational programs. If members are experiencing difficulties with their classes, tutoring or modification of their schedule (i.e., scheduling academic classes in the morning instead of after lunch) may be in order. Repetitive problems with attendance and discipline necessitate a more radical alternative than a simple class change. Options may depend on district programs if the student has to be removed from the school site, and many large school districts have established alternative programs either at a school or a separate location. Typically, the goals of such programs are to reclaim students who are having trouble adjusting to a traditional school setting, who need protection for a variety of reasons, and/or who have dropped out of school. Although these programs are viewed as a last resort, they often are the chance a student needs to break away from undesirable influences, like the gangs.

Engagement strategies are designed to involve different groups of people in the antigang program processes. Members of the school staff, family, and community agencies have a vested interest in the education and socialization of today's youth. Collaboration among these groups to influence and provide alternative avenues for gang members is successful and necessary. Staff development training sessions, staff and department meetings, student assemblies, parent conferences, advisory council and other parent/teacher group meetings, neighborhood watch and other community meetings are but a few vehicles that school officials can use to disseminate information about the program. Small group meetings offer an environment to share confidential information and solicit assistance for various facets of the program. Each group has something to offer.

Staff Members

Each school has an abundance of human resources. The principal and/or other administrators need to know how to find and include the most appropriate people for special projects, like a gang prevention program. Those staff members who reside within the school neighborhood and are familiar with the gangs are valuable and should be encouraged to assist with project elements. Interpersonal relationship skills emerge as the school leader begins to know and interact with staff members. Some of the same positive tactics used to gain the confidence of gang members can be employed with staff. The overriding objective is for them to be aware and supportive of the school's effort to prevent or reduce gang activity.

Parents and Other Family Members

Parents and family members who have gang involved youngsters have varying attitudes about gangs. It is not the responsibility of educators to dissuade parents; it is however, their duty to supply parents with the knowledge that will help them help their child. Parents should be told that their child is gang-affiliated and be provided with information about the gang. Explain consequences for gang involvement and urge parents to cooperate with specific disciplinary action for gang

related infractions (especially dress code and paraphernalia violations).

Parents also should be encouraged to attend parent groups or counseling sessions with their children, and parent conferences, and to become involved in school activities. Outside agencies can provide necessary assistance and resources to parents, such as counseling. What is most important is that gang members know the school has informed their parents about their gang involvement and that the parents are cooperating with the school to end it. Expectations regarding the effectiveness of parent involvement should be reasonable. Some hard-core members may not heed the wishes of parents, but some students at elementary and secondary schools are tractable and can be influenced by their parents.

Community Members

Community resources in gang-infested neighborhoods may be sparse because these neighborhoods tend to be depressed socioeconomically. However, the increase in violence has prompted the Federal government to fund antiviolence or antigang programs in these areas. Such programs provide counselors to assist gang-involved youth, their families, and school officials, if requested to do so. School districts can arrange for regularly scheduled counseling sessions for individual students or the entire gang, or they can invite the counselor to speak about gangs to the total student body.

Lal et al. (1993) discovered that there are usually two or three people in the community who have established a rapport with the gangs, possess intimate knowledge about them, and would be willing to share their expertise with school officials. Their successful relationships with the gangs promote their employment as backup security aides on campus. School officials are cautioned, however, to investigate the background of all potential volunteers and employees from this pool.

Program Evaluation

Everyone involved in the antigang program will want to know the answers to several questions: How are we doing? Which processes need revising? Which

strategies worked best? Are gang activities reduced? Are we doing what we said we would? These questions and many others like them provide insights into how school officials should develop their evaluation of the program. Plans for evaluating program components should be developed prior to program implementation. Data from analysis of the problem will help guide the direction of the evaluation. When devising evaluation techniques, Lal et al. (1993) recommended that officials take into consideration: "... school climate and culture, program goals and objectives, team players and their assigned tasks, and school personnel and students' attitudes and reactions toward the program" (p.43). Singularly, each of these elements could generate a mini-evaluation project. Together, they present enormous evaluation possibilities. Therefore, officials should decide which is the best approach for their particular situation.

One approach focuses on the evaluation on three aspects: "management of program operations; execution of tasks; and achievement of goals and objectives" (Lal et al., 1993, p.36). Another approach is based on the framework of the strategy design discussed above: operational strategies, alternative behavior strategies, and engagement strategies. It is not essential to develop an all-inclusive approach, but it is imperative that all program processes be evaluated to some degree, with some processes requiring more scrutiny than others. Further, some aspects of the program will require ongoing evaluation and modification, whereas others can be evaluated at the end of a specified time period.

Various tools can be used to evaluate specific elements of the program: questionnaires, surveys, interviews, review of school records (comparison of pre- and post-dress code violations, for example), observation of changes in physical evidence (i.e., noticeable signs of gangs). Again, program processes will determine which tools are most applicable. For example, a questionnaire or survey that is circulated prior to the implementation of strategies (preferably at the beginning of the school year) can be circulated again after a specified time for a comparison of responses. For a thorough understanding of evaluation processes (including evaluation instruments or tools), officials can review and purchase evaluation materials or they can turn to their district's Research and Evaluation Department for assistance. Finally, it is important to include a procedure to evaluate the perceptions

and or feelings about what has happened at school: Has the school climate changed: Is it a more positive learning environment?

REINVENTING THE GANGS

Establishing a climate for change is not an easy process, especially if the change focuses on the correction of negative behaviors. In essence, the core of any gang prevention or reduction program is the alteration of the negative behaviors of the members. Realistically, society would not be interested in curtailing the gangs if they did not engage in negative behaviors. Gangs would be just like any other social youth groups, like the Boy and Girl Scouts, Spanish Club, or Honor Society. The common thread of these youth groups is that they are perceived to be "good" and positive and therefore members are perceived to be "good." Gangs, however, are perceived to "bad" or negative, and therefore their members are also perceived to be "bad." These perceptions are based on what each group does, so the goal is to change the perceptions by changing the behavior. This approach is more realistic than trying to get rid of the gangs altogether at school. School officials cannot control the gangs in the neighborhood, but they can control the behavior of the gang members on campus.

This essay discussed a range of strategies for counteracting the negative effects of the gangs and altering negative gang behavior. Most of these techniques have been tried and have proven to be successful in certain situations. In all cases of success, the overriding theme was a constant emphasis on the positive and a de-emphasis of the negative. Lal et al. (1993) described a radical approach to confront the negative consequences of gang behavior. This approach requires that the educational leaders adopt a positive leadership style and that school personnel in general accept the gangs (not their negative behavior) at school, as they would any other group of students. Parts of it involve risks. What is suggested below also involves risks and requires school officials to go beyond even the radical approach by trying "something new."

Trying something new means that each week or each month educators try a

new approach with the gangs or with individual members that is intended to normalize their behavior. Normalizing implies that the members must alter the way they act and dress. Just as the members are lured to the gang, alternatives to gang behavior must also be alluring. Gang members who are recruited for any of the following activities should be informed ahead of time what they will be doing and how they are expected to behave and dress:

- ***Weekly "nutrition" meetings*** in the teacher's cafeteria or fast food locale. Provide snacks and invite different members each week. Begin with members from the same gang; later any combination of members might be possible. Limit outings to three or four members, and keep conversation informal.
- ***Occasional outings***. Take a gang member along with a school official who has to go the district office or a local business on an errand.
- ***Prevention program participation.*** Include members in some of the developmental stages. Remind them that they are expected to join in the discussion.
- ***Meeting attendance.*** Invite members to attend regular club meetings, student council meetings, and advisory Council meetings.
- ***Monthly outings***. Plan an activity, like going to a show, museum, beach, baseball game, camping or fishing trip, and invite one or two gang members. Encourage school personnel to include members in family outings.

These activities should not be used as rewards, but careful thought should be given to which members are invited or included. Eventually, all members should be included in some special activity. School personnel may find that some of these youngsters have never been to a beach, museum, or sporting event. That is certainly not a normal lapse in this day and age. School personnel might be surprised to discover the reaction of members to this special kind of treatment. They do receive special treatment from the gangs, so wouldn't it be better to receive it from positive sources?

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SCHOOL VIOLENCE AND THE LEGAL RIGHTS OF STUDENTS: SELECTED ISSUES

Dorianne Beyer

BACKGROUND

Perceptions of School Violence

Legal decisions and public policies concerning the rights of students in the maelstrom of school violence must be viewed in the context of the current state of safety in the schools, both as documented and perceived. There is, in fact, a conflict between "facts" and "perceptions" with respect to both current and projected levels of school violence.

A study of the U.S. Office of Technology Assessment found that there were 106 "school-associated violent deaths" nationwide during the two school years from 1992-94. That figure, though deeply disturbing, represents less than one percent of the 11,300 deaths of all young people aged 5 through 18 in 1992 alone, half of which were caused by guns and automobiles. The study's findings "contradict the impression of schoolyard war zones, given by the widely publicized killings at or near schools," said its director (Schools Are Relatively Safe, 1995).

In the 1993 Youth Risk Behavior Survey (1995) of a national sample of high school students, nearly one-fourth of students nationwide reported they carried a weapon at least once during the month preceding the survey, but only 7.9 percent of them carried a gun. The survey also reported that 4.4 percent of students missed at least one day of school during the preceding month because they felt unsafe at

school or travelling to and from school. Over 40 percent of students reported that they had been in at least one physical fight during the previous year, though only 16 percent of them reported being in a fight on school property. In a similar survey completed in 1990, nearly 20 percent of all high school students said they had carried a weapon at least once during the previous month, which is only insignificantly different from the 1993 finding (*Youth Risk Behavior Survey*, 1991).

Another respected 1993 survey, which polled 1,000 teachers and 1,200 students in grades 3-12, had similar findings: about 22 percent of boys and 4 percent of girls said they had carried guns or knives to school. Further, 23 percent of students and 11 percent of teachers reported being victims of violence in and around the schools (*The American Teacher*, 1993).

With respect to trends, compare the recent statistics cited above with a survey of the American School Health Association (*National Adolescent Student Health Survey*, 1987). Based on a nationally representative sample of eighth and tenth graders in 20 states, it reported that 50 percent of the boys and 28 percent of the girls were in at least one fight during the past year. While 23 percent of the boys reported having carried a knife and 3 percent reported carrying a handgun to school at least once during the past year, only 7 percent said they carried a knife and 1 percent carried a handgun to school every day. It is important to note that the "past year" refers to 1986, and that the statistics from surveys done seven years apart are remarkably constant. Looking at the more distant past also reveals minimal change in violence benchmarks over time. For example, during the school year 1976-77 almost 8 percent of urban junior and senior high school students missed at least one day of classes a month because they were afraid to go to school, while 3 percent said they are afraid most of the time. Also reported was the shocking statistic that 1.3 percent of all high school students were physically attacked each month (National Institute of Education, 1978).

Such conflicting figures confuse researchers and policy makers and affect the perception of violence in the schools as well, according to many diverse reports.

The disparities are reminiscent of Mark Twain's aphorism, "There are lies, there are damned lies and then there are statistics."

School safety researchers and commentators propose several explanations for these inconclusive findings. One researcher (Furlong, 1994) documents an astounding 50 percent rise in the number of articles on school violence published in high quality newspapers between the entire 10-year period of 1982-92 and the two-year period of 1992-93. The increased newspaper reporting was found to consist of many unsourced statistics and uncredited anecdotes, usually of sensational incidents, and designed to substantiate the pervasiveness of the school violence problem. Other explanations for the conflicting data are that many of the public opinion polls and surveys forming the basis of media reports are not scientifically valid or do not comprise randomly or representatively selected samples. Further, there seems to be a human phenomenon that the majority of respondents genuinely believe that violent crime is on the increase and that the schools are becoming less safe.

One consequence of the perception of widespread and growing school violence is that generally the rights of school administrators take precedence over the rights of students when matters of school safety are at stake. Legal decisions usually grant a wide array of powers to schools to enable them to fulfill a court-perceived urgent and increasing need to ensure school safety without restrictions.

Key Legal Issues

When the courts arbitrate between the need for school safety and the rights of all citizens, including students, to enjoy constitutional protections, there are several issues of special interest. Two in particular are notable because they arise most frequently and also serve as guideposts for drawing the line between the often competing demands of safety and rights. First, school searches of students and seizures of their property in accord with the Fourth Amendment comprise a cutting edge issue for both the courts and school authorities, as drugs and gang paraphernalia have entered the schoolhouse to threaten its security. A case newly decided by the U.S. Supreme Court sets the current direction in the judicial review

of school authorities' powers to prevent the possession and use of drugs in the school setting (*Vernonia School District 47J v. Acton*, 1995).

The second issue involves a new legal development that sets some limits to the broad array of actions permitted for school authorities. The case of *U.S. v. Lopez* (1995), decided by the Supreme Court this past Spring, and concerning the constitutionality of gun-free school zones, offers some guidance on the boundaries of school actions, even when in furtherance of decidedly necessary goals.

It must be noted that there are many additional critical issues related to school violence that will not be discussed here, but that nevertheless should be studied by school authorities. Perhaps the most significant are the Fourteenth Amendment standards of procedural and substantive due process, as mandated when punishing violent or drug abusing students. These due process guarantees are applied to such punitive remedies as corporal punishment and separation from other, orderly students, through suspension, expulsion, and similar actions that are also intended to ensure a productive educational environment. Some of the more common procedural due process issues include students' rights to know the charges against them and the basis for the charges, such as statements of their accusers, their right to confront accusers or rebut evidence, as well as their right to be represented by their parents or other adults. Legal controversies concerning substantive due process include the standards set by school authorities that trigger student suspensions or expulsions. Additional issues also concern the nature and adequacy of public education alternatives for those either suspended or expelled from their usual public school programs, as states most frequently have legislated an absolute duty to educate all of their young citizens until the lawful school withdrawal age, which is usually 16.

Other major issues not reviewed here include school districts' civil liability for student violence against teachers or other students, governmental immunity, constitutional issues related to dress codes and other school policies that may involve students' First Amendment civil liberties, drug free school zones, and criminal prosecutions for assault and battery.

This review will concentrate only on the constitutional issues summarized above—school searches and seizures and limits to school actions in their areas —because of space limitations as well as the author's qualitative judgment. The selected topics include Fourth Amendment developments, as those are the most frequently litigated of all student legal issues, and therefore of the most widespread and intense interest. These issues were chosen to present and analyze several very recent and significant Supreme Court cases, which many readers may find unfamiliar at this early date since their decision.

One final caveat: education is almost exclusively a matter of state and local laws, regulations, and policies, rarely involving the Federal government or Federal powers, except for the courts' interpretations of constitutional protections in the school setting. Consequently, although this essay will cite many state and local laws and legal decisions as illustrations of legal principles or debate, it cannot include all state and local laws or serve as a complete guide for school administrators nationwide. Since each locality has its owns rules on these issues, state and local school authorities must check their own jurisdiction's laws, regulations, and policies to ascertain the legal parameters of their own actions, rather than rely upon the examples cited here.

SCHOOL SEARCHES OF STUDENTS AND SEIZURES OF THEIR PROPERTY

General Issues

The U.S. Supreme Court and state courts have very gingerly both bestowed and limited Fourth Amendment rights upon public school students in a series of cases over several decades. Recent cases may indicate that the delicate balance between student rights and school safety procedures is strongly tilting towards the rights of school authorities to proactively isolate and reduce perceived causes of school violence. Starting in 1968 and culminating in 1984, the law of the land concerning the status of students *vis-a-vis* school authorities shifted to a more constitutional basis. Prior to that time, student rights in school were defined by the

common law doctrine of *in loco parentis*, which for centuries posited that school officials were given the right, duty, and responsibility to act in the place of a parent. Their right to act included the power to search students for illegal items, or for items merely considered to be contraband under state or local law or school district policies, without the warrant or probable cause prerequisites mandated for all other citizens under the Fourth Amendment. State laws, as upheld by their state courts, permitted such school action when, for example, student searches were deemed to be in the "best educational interests of all the students" (*New York Education Law*, 1978; *Illinois Revised Statutes*, 1978). Any search based upon the much lower and non-constitutional standard of "reasonable suspicion" was found to be in accord with the doctrine of *in loco parentis*; it was accepted by the courts as necessary and reasonable in light of public necessity to maintain school discipline and order and the longstanding social concept of the parental powers of school authorities (*People v. Jackson*, 1971/1972).

The doctrine of *in loco parentis* began crumbling in 1968, when *Tinker v. Des Moines Independent School District* (1969) found for the first time that constitutional rights—in this case, the First Amendment right to wear a black armband in school as symbolic speech in protest against the Vietnam War—were applicable to students. In landmark language that has been repeatedly cited, if not always upheld, the court said, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (*Tinker v. Des Moines Independent School District*, 1969, pp.506, 511).

The question of whether Fourth Amendment protections against unreasonable searches and seizures applied to students when searched by school authorities, and if so, with what restrictions, if any, was left unanswered by *Tinker*. It was not resolved until 1985, in *New Jersey v. T.L.O.* (1985). In that case, a teacher found a student (called T.L.O. in the case, to protect her youthful identity) smoking cigarettes in the high school bathroom, in violation of a school rule. When taken to the assistant vice principal's office, she denied the accusation and claimed she wasn't a smoker. When the assistant vice principal opened T.L.O.'s purse, he found not only a pack of cigarettes but also rolling papers

associated with marijuana use. He then thoroughly searched her purse and found marijuana, a pipe, plastic bags, a large sum of money, a list of students who owed T.L.O. money, and two letters that involved her in dealing marijuana. When she was arrested on drug charges, she claimed that the evidence found in her purse should be suppressed as the fruits of an unreasonable search and seizure.

Since the Fourth Amendment only protects citizens against unreasonable searches and seizures by the government and its agents, there were two threshold questions to be answered. First, the issue of the application of the Fourth Amendment to students had to be resolved. It was decided that students subjected to school searches are, in fact, covered by the Fourth Amendment. For the first time, school officials were charged with acting in furtherance of publicly mandated educational and disciplinary policies that made them far more akin to government agents, the very subject of Fourth Amendment restrictions, than to parental surrogates under the doctrine of *in loco parentis* and free from constitutional restraints.

The next question to be considered was whether the search was reasonable, as guaranteed by the Fourth Amendment. As discussed, the Fourth Amendment requires a warrant and probable cause before a search is considered reasonable. However, there are several exceptions to the imposition of that formulaic and high standard. The *T.L.O.* court carved one such exception to the normal standard and found that the Fourth Amendment's requirement of reasonableness was met if school authorities acted without a warrant, but with

> ...reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student and the nature of the infraction. (*New Jersey v. T.L.O.*, 1985, p.733)

In the *T.L.O.* case, all constitutional principles were found to be honored and the evidence of drug possession was admissible against the student.

Thus the "reasonable suspicion" standard was engraved in stone. It

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permitted school authorities to lawfully search students upon the passage of its two-prong test: the search must be reasonable in inception and reasonable in scope. "Reasonableness" at the inception, or as the standard to be met as the cause of a search, is the key watchword for school administration compliance with search and seizure guarantees. To ensure that the grounds used to suspect illicit or infracting behavior are reasonable, they should consider "the child's age, history, and school record, the prevalence and seriousness of the problem in the school to which the search was directed, the exigency to make the search without delay, and the probative value and reliability of the information used as a justification for the search" (*State v. McKinnon, 1977*, cited in *New Jersey v. T.L.O.*, 1985, p.737). To ensure that the scope or implementation of the search is equally "reasonable," school administrators must also limit the intrusiveness of the search in conformance with their reasonable assessment of the child's age, sex and the nature of the infraction. As the intrusiveness of a search expands, the Fourth Amendment's protections also enlarge to require a higher degree of "reasonable suspicion," more closely resembling "probable cause," to justify, for example, a strip search (*M.M. v. Anker*, 1979, cited in *New Jersey v. T.L.O.*, 1985, p.742). As mentioned above, the court was explicitly acting in recognition of the difficulty of maintaining classroom order, due to its perception of drug use and increased violent crime on school campuses, however erroneous this perception might be.

These tests of reasonableness were given more detailed meaning and expanded application in later cases, which measured *T.L.O.*'s requirements against various fact patterns, some of which are discussed below, which enable a crude mapping of its validity and reach today. It must be noted, however, that *T.L.O.* and its progeny only reduce the constitutionally-mandated standard from a warrant and probable cause to a warrantless "reasonable suspicion" when student searches are done by school personnel, and may or may not include school security guards, based upon a particular states' law and its interpretation. When a student search is conducted by the police or other law enforcement officers or governmental agents, even if on or about the school grounds and even when done in response to and with the physical presence and collaboration of school authorities, the constitutional effect is quite different. In those situations, the search must be in full compliance

with all the prerequisites of the Fourth Amendment, namely a warrant and probable cause.

In general, the courts have upheld most searches upon most grounds offered by school authorities, although there are no infallible rules to assure administrators that any particular search will pass muster in front of any particular court. However, as to the requirement of a search's "reasonableness in inception" in the decade since *T.L.O.*, it is known that those responsible for a search must be able to clearly articulate the school rule or law that has allegedly been violated. Searches must also be based upon information, facts, or circumstances that would lead a reasonable person to conclude that unlawful or infracting evidence will be found from the search. Thus, searches must be based upon some type of evidence, not upon hunches, guesses, or unreasonable surmises (*Student Searches and the Law*, 1995). The information must be recent and credible and must connect the student to the violation. Students' tips have been found to be acceptable information and are presumed to be reliable (McKinney, 1994).

As to the second prong of the *T.L.O.* test, the requirement that a search be "reasonable in scope" means that the size of the item sought in the search, based upon the evidence giving rise to a lawful search, must be considered to properly limit the student's property to be searched. For example, if credible information was received about a student's alleged possession of a rifle, a search of the student's locker, but not of her or his wallet, would be reasonable. Next, in order to curtail an unacceptable level of intrusiveness, the scope of the search must be limited by the severity of the school rule or law allegedly being violated. Thus, to search for a missing two dollars, school authorities cannot compel a student to submit to a strip search.

Some recent search cases in which the two-prong reasonableness test was successfully applied include:

- A school dance monitor, who, seeing that some students were inebriated, in contravention of school policy, took them to a private office and asked them to blow on her face (*Martinez v. School District No. 60*, 1992).

- Upon hearing an unusual thud when a student threw his bag onto a metal cabinet, a security guard rubbed his hand along the bag to feel for a gun (*Matter of Gregory M.*, 1992/1993).

- Upon a student's report to a guidance counselor that another student possessed an illicit drug, the administrator searched the latter student's book bag, because the administrator also had knowledge that the student had been previously disciplined for possession of a controlled substance (*State v. Moore*, 1992).

What cannot and will not be condoned by the courts are searches that are performed with malicious intent to deprive students of their rights, those where school officials know or should have known that their actions violated students' rights, those that are capricious or discriminatory, and those that do not closely follow school search policies. In *T.A.O'B. v. State* (1984), for example, a teacher who saw two students "exchange something" in an "off limits" area (although no sign or general student knowledge suggested the item was contraband), while one of them was holding an unlit cigarette (though no marijuana smoke or smell could be detected), claimed that he had fulfilled the "reasonable suspicion" test prior to performing a pat-down and wallet search of the student holding the cigarette, which did disclose the student's possession of marijuana. The court, however, found that the search was without reasonable suspicion, since the teacher could not articulate what school rule or law was being broken, nor could he point to any information that would lead a reasonable person to conclude that a search of the student's wallet would disclose marijuana. And, of course, no search is justified after the fact by any contraband it may reveal. An unconstitutional search leaves the school district open to civil damages for their violation of civil rights statutes, from which they are not immune. In addition, a school official who willfully violates a student's rights can be criminally prosecuted.

The case law on student search and seizure has yielded a few other useful factors to consider when conducting a search to ensure that it is reasonable at the inception and in scope. They include the student's age, history, and school record; the prevalence and seriousness of the suspected infraction or crime as a pervasive

school problem; the exigency requiring the search without delay; the school official's prior experience with the student, and the evidentiary value and reliability of the information used to justify the search (Rapp, 1994).

The following sections outline the more common types of searches conducted in schools.

School Locker Searches

Most legal authorities state that the validity of locker searches is dependent on the students' reasonable expectations of privacy, which can be affected by school policies designating the lockers as student or school property, and student notification that the school will conduct periodic searches for contraband or will retain a master key to the locker for spot checks (*Student Searches and the Law*, 1995). The theory posits that unless school districts have written and distributed a locker policy to students, students may have a high expectation of privacy and school authorities may have to meet higher constitutional standards to conduct a locker search. The reality is that the courts have rarely found a school locker search they didn't like, as their application of *T.L.O.*'s "reasonable in light of all the circumstances" test has allowed state courts to override whatever expectation of privacy other citizens may have in similar circumstances (*S.C. v. State*, 1991). There is utter certainty that state law, school district regulations, or written school policies that require schools to maintain custodianship over lockers and to inform students of this policy in writing will override any student privacy concerns that could theoretically be asserted to disallow a search.

Vehicle Searches

Common sense might lead to the conclusion that the law of vehicle searches is quite different, since students' cars are certainly not school property under any theory. However, they still yield their secrets in the face of *T.L.O.*'s reasonableness test. In *State v. Slattery* (1990) for example, the court found it reasonable for an administrator, acting on a tip that a student was selling marijuana out of his car in the school parking lot, to search the student's clothing. After a

large amount of cash in small bills and pieces of paper with a telephone pager number written on them were found, school security guards were called in, who found nothing in the student's locker. Next, the security officer searched the student's car, and found a pager and a notebook containing notations of names and dollar amounts. The security officer then proceeded to open the car trunk and a locked briefcase found inside it, discovering over 80 grams of marijuana. Although the student objected to the search of his car and locked briefcase, the court found that the need to make the search without delay, in addition to other factors, made it logical and constitutional for the school to immediately search the car and briefcase.

Similar to distributing a policy regarding school lockers, it is helpful for school districts to establish student parking as a privilege, not a right, and to require a pass or permit, which clearly states the vehicle search policy or indicates student consent to a vehicle search (*Student Searches and the Law*, 1995). A distillation of the case law and commentaries results in the conclusion that vehicles parked on school property can be searched if the searches are in compliance with the *T.L.O.* standards. However, for cars parked elsewhere, law enforcement officers should be called in to perform the search.

Searches by Metal Detector Machines

A more common school security procedure is the placement of metal detectors at the school entrance or elsewhere on school grounds, in a generalized or mass "search" for weapons. It is exactly the non-differentiation of an entry door or similarly placed metal detector search, as opposed to an individualized search, that raises constitutional issues about compliance with the common sense definition of the required "reasonable suspicion." In essence, can suspicions about a mass, undifferentiated group ever be "reasonable"? Students do have reasonable expectations of privacy and, as they must bring many personal belongings to school every day—keys, money, and grooming aids, for example—it would be unreasonable for courts or legislatures to hold that students lose all expectations of privacy as to their property merely because they bring it into school. Thus far, however, at least three states (Tennessee, Louisiana, and Florida) have legislated permission for the use of random, nontargeted, mass metal detector use (Rubin,

1993). Judicially, there have been only a handful of cases on this issue and none have been on the Federal level. They do, however, indicate a similar direction to permit non-individualized searches by metal detector. One theory holds that such a search is really an "administrative search," much like airport security metal detector use (*People v. Dukes* , 1992). Under the "administrative search" doctrine, such searches are reasonable as part of a regulatory scheme in furtherance of an administrative purpose, rather than as part of a criminal investigation to secure evidence of crime (Rubin, 1993). Other courts generally recognize a balancing test, weighing the privacy interests of the affected citizens against the government's need to conduct the suspicionless search and the extent of its intrusion (*National Treasury Employers Union v. Van Raab*, 1989).

In a California Attorney General's Opinion (1992), the "reasonableness" standard of *T.L.O.* was again found to apply, on the grounds that *T.L.O.* did not preclude searches based upon non-individualized suspicion, as long as they were minimally intrusive and found to be necessitated by the particular conditions prevailing at a school. Thus, the proper course would be for a school or district to create a metal detector utilization policy, stating the patent necessity for metal detection at its school or in the district, as based upon reliable data of increased danger from students' weapons. Detailed rules about the use of detectors to ensure that the personal intrusion is as minimal as possible would also be helpful in establishing the lawfulness of the search. Such procedures could include giving advance notice of the use of detectors, requesting students to empty their pockets before the detector search, and asking a student to go to a private area for any greater subsequent intrusion.

Searches by Drug-Sniffing Dogs

The mere possession, without use, of drugs on school grounds has been discussed as a threat to school safety and security in case after case, without examination or citation of any evidence of a causal effect between drug possession and unsafe schools. The perception of the inherent and overwhelming danger of drugs to school safety reached its zenith in the recently-decided *Vernonia School*

District 47J v. Acton (1995), to be discussed later, but other cases concerning drug-sniffing dogs also rely on that implicit assumption.

Although the U.S. Supreme Court has not ruled on the constitutional limits on drug sniffing by dogs as a student search issue, lower Federal courts have been divided on the threshold question of whether sniffing constitutes any "search" at all. Fifteen years ago, in *Doe v. Renfrow* (1980), trained dogs went up and down the classroom rows of over 2,500 junior and senior high school students, sniffing for drugs. If the dog responded to a particular student, that student was searched, sometimes strip searched. When such a student sued the school district for an unlawful search, the court held that the sniff was no search at all and that the school authorities had acted reasonably in searching the possessions of the student after the dog indicated the presence of drugs. However, it also found that, pursuant to *T.L.O.*, the strip search had been impermissibly intrusive in scope and therefore unreasonable under the Fourth Amendment. Many commentators, as well as other court decisions from the same period, have been critical of that technical denial of student rights and have posited different findings. In *Horton v. Goose Creek Independent School District* (1982), the court found that sniffing a person was in fact a search, as students' persons certainly are not the subject of lowered expectations of privacy in school, and that the Fourth Amendment applies with its fullest vigor against any intrusion on the human body. Consequently, when joined to the *T.L.O.* analysis, sniffing a student would only be permitted after there is a reasonable, individualized suspicion of a student's drug possession, according to *Jennings v. Joshua Independent School District* (1989).

As repugnant as the *Horton* and *Jennings* courts found drug-sniffing to the highly protected integrity of the body, they found no such barrier to approving drug-sniffing of inanimate objects, namely students' lockers and cars. Such searching was found to be particularly acceptable if the students' expectation of privacy in lockers and cars is limited by school policies that are known to them and that specify school retention of some rights over that property. Further, the courts reasoned, school staff members simply walking through the locker area or the student parking lot who had, for example, smelled marijuana smoke, were merely

passing by public areas. They came across items or smells in "plain view" and therefore were not intruding in any way that constituted a search.

One case at the lower court level goes even further towards protecting students from drug-sniffing. In *Jones v. Latexo Independent School District* (1980), drug-sniffing of all students and their vehicles was considered a "search" and further found to be unreasonable. The court here found that the absence of individualized suspicion, the use of large, trained, attack animals, the detection of odors outside the range of the human nose, and the intrusiveness of a search of the students' persons combined to make the sniffing unreasonable. Thus, it followed that since the students had no access to their cars during the school day, the school's interest in sniffing the cars was minimal and therefore searching them was also unreasonable. In soundly rejecting the *Doe* view, it posited the dictum that although the school environment was a factor to be considered, it did not automatically outweigh all other factors and thereby make all searches reasonable.

Drug Testing

Until last year, the short answer to the question of whether schools could mandate all or a class of students to submit to blood and urine tests for drugs, was "no" (Price, 1988). It had been universally found that, even if the purpose of the test was solely medical, it would violate the reasonable privacy expectation of children (*Jones v. McKenzie*, 1986). An Arkansas school board's use of urine analysis testing of any student suspected of drug or alcohol use for any reason, and its utilization of test results to expel any students found to have even a trace of drugs, alcohol, or other abused substances in their system, was similarly halted by the courts as repugnant to the Constitution, as well as to our common sense of students' integrity (*Anable v. Ford*, 1985). In 1994, James Rapp, a noted education law commentator, stated that the courts were hesitant to encourage the use of involuntary blood tests, breathalyzer tests, and the like, but considered urine tests to be even more intrusive than breathalyzers. His study of a variety of cases led him to conclude that the second prong of the *T.L.O.* test, of "reasonable in scope," would always have to be met.

The permissible scope of mandatory drug tests for all students as part of required medical check-ups, and not as a precondition for participation in athletic programs, was reviewed in *Odenheim v. Carlstadt-East Rutherford Regional School District* (1985). In this case the New Jersey Superior Court struck down a school district policy requiring all students in the district to take a urine test for medical purposes. The policy was found to be constitutionally defective, since the drug tests were considered a "search" under *T.L.O.*, and therefore the mandatory, mass nature of the search was impermissible. The court, in fact, called this policy "an attempt to control student discipline under the guise of medical procedure."

Courts also made a distinction made between mandatory and voluntary drug testing, since the latter, being based upon censent, involves no Fourth Amendment protections. However, the differences blur when the tests are used as a precondition for school enrollment or for participation in extracurricular activities. Until June 27, 1995, courts were split on drug testing as a precondition for participating in extracurricular activities, with some courts approving it exactly because these activities are voluntary (*Student Searches and the Law*, 1995).

This situation changed, however, with *Acton v. Vernonia School District 47J* (1991), which involved the refusal of James Acton's parents to sign a form consenting to a urinalysis that might test their son for a variety of drugs, if James were randomly selected by school authorities as part of the school's newly instituted mandatory random drug testing program. The school authorities admitted that James was not suspected of drug use, but claimed that their urinalysis policy was the result of their being at their "wits' end" over how to solve their perceived growing drug problem (Daniels, 1995). James Acton, as a consequence of his parents' refusal to comply with the drug testing policy, was denied a spot on the school's football team. As the case wended its way to the U.S. Supreme Court, school officials stressed their claim that they were justified in implementing their random testing program to stop the results of increased drug use in their rural Oregon school. They pointed to the increasingly rowdy and anti-authoritarian behavior of their athletic teams as the initiating catalyst for the policy. The 9th Circuit Court of Appeals agreed with the Actons, found the mandatory policy to be an "unreasonable search" and rousingly stated that "children, students, do not have

to surrender their right to privacy in order to secure their right to participate in athletics."

The U.S. Supreme Court did not agree, and once again tipped the scale in favor of educators' efforts to maintain school order and discipline and against the preservation of individual students' rights to privacy as guaranteed by the Fourth Amendment (*Vernonia School District 47J v. Action*, 1995). In this final appeal of the Vernonia Case, the court, in a 6-3 ruling, reversed the lower courts and found that the district's policy conformed with the Fourth and Fourteenth Amendments. It ruled that, although the urine test was a "search" it was "reasonable," because legitimate governmental interests outweighed any intrusion on a student's privacy rights. The court found that athletes have an even further reduced expectation of privacy than other students, because they are more closely regulated on many issues, such as grades and medical condition, and are subjected to communal undressing and showering situations, further obviating any claim of physical privacy.

Further, the court found that the urine test procedure was negligibly intrusive, even though students had to divulge the prescription drugs they were taking at the time, since the process was akin to public restroom conditions and the test was being used only to determine illicit drug use rather than to identify any medical situation. In an outright reversal of previous rationales, the court emphasized that a random drug testing policy was better than suspicion-based testing because the latter would turn the process into a badge of shame and would also permit teachers to arbitrarily test "troublesome but not drug-likely students."

Body Searches

Strip searches invade the most private sphere of students, their bodies. Thus the lawfulness of such searches evokes the most careful scrutiny of the courts. In order to comply with the second *T.L.O.* prong, of "reasonableness in scope," a strip search should be performed only under the most extreme circumstance. It should be based on ample, reliable evidence of immediately dangerous drugs or weapons, and must be consistent with the student's age and sex. Even under those

circumstances, a prudent school official should seek justifying evidence that almost or in fact meets the "probable cause" standard of the Fourth Amendment as applied to non-students. A visual or manual body cavity search, involving the visual examination or touching of the student's anal and genital areas, should never be conducted by school personnel; it should be a police matter only (*Student Searches and the Law*, 1995).

CASE LAW TRENDS

Against Student Rights

Although the Supreme Court in *Vernonia* (1995) expanded the types of "searches" found to be "reasonable," particularly in permitting school authorities wider latitude in addressing the drug problems in their schools, it did not abandon the *T.L.O.* tests of "reasonable in inception and scope." But there is no escaping the conclusion that any remnant of a requirement of individualized suspicion as the prerequisite for a search has thoroughly faded. Rather, the clear direction of the courts is to uphold any school policy that is based on a known problem, whether or not any specific student has been found to be a part of that problem.

Other suspicionless searches, such as those by metal detectors and drug-sniffing dogs, as previously discussed, will probably become more broadly permissible as well. The Federal and state courts have indicated that student drug possession and presumed or actual usage, without violence or coercion is, in itself, a direct threat to school safety; therefore, the intrusion of mandatory drug testing, at the least, is permissible by school authorities. Some commentators have concluded that, after *Vernonia*, suspicionless searches of all types will be easier to justify and will only require that school authorities' search actions are "reasonable," a requirement they can easily fulfill by merely acting to ensure a safe learning environment. Henceforth, the effort to balance student rights with school safety needs, and the ensuing detailed application of the two-prong *T.L.O.* test, may become eroded further or actually discarded. It is suggested that *Vernonia*'s "reasonable" standard would be met simply by educators' knowledge of the current

campus environment; given acceptance of the connection between student conduct and unsafe learning conditions, policies to correct unacceptable conduct will likely be legally sanctioned (James & Pyatt, 1995).

It would, therefore, be difficult to imagine a suspicionless search that would not meet the "reasonable" standard. It is also surely a giant step further away from the full application of the Fourth Amendment to students. The shadow of the Fourth Amendment that still protects students is certainly not as long as that cast in the direction of citizens who are not students. Further, the *Vernonia* Fourth Amendment standards no longer encompass an objective and balanced weighing of the interests between student rights and school safety needs, as has characterized the previous line of Supreme Court cases. From this point forward, it is realistic to assume that the Supreme Court will permit school authorities to put their fingers on the scales of justice, as they will be judicially supported in tilting the weight towards their broadened powers.

For Individual Rights

While Vernonia broke new and startling ground in apportioning power and rights between schools and students, another very recent Supreme Court case, *U.S. v. Lopez* (1995), sets some limits on the untrammeled exercise of schools' rights to respond to perceived safety concerns. In its 5-4 decision, the Court found that the constitutional justification for the 1990 Gun-Free School Zones Act was unpersuasive and therefore ruled that this Federal law, banning the possession of a firearm within 1,000 feet of a school, is unconstitutional. Without defending the possession of firearms within school areas, this decision did limit the reach of the Commerce Clause of Article I of the U.S. Constitution, finding that claims of increased school violence could not override an absence of a constitutional basis for the disputed Act. The Federal government and four dissenting Justices had advocated the retention of the Act, urging the court to affirm their claim that the Commerce Clause permitted such legislation, since the disruptions caused by gun violence in schools or school areas diminished students' ability to learn and teachers' abilities to teach, which adversely affected the nation's productivity and therefore made this issue one of commercial concern (*U.S. v. Lopez, 1995*, p.888;

Gun Free School Zones, 1995).

The majority, however, did not define the issue as the advisability or necessity of instituting gun free zones around school areas, a goal with which any concerned citizen could agree; rather it focused on the viability of the constitutional argument offered by school authorities to lawfully justify its delineation of such zones. As noted, in a rare case of prioritizing constitutional lawfulness over school authority assertions of safety needs, the court disagreed with an unbounded definition of commercial interests subject to the Commerce Clause. The court's position was so rare, in fact, that *Lopez* was the first time in nearly 60 years that the Supreme Court overturned an act of Congress that had a direct effect on private activity, based on its commerce power (Epstein, 1995). Ameliorating some of the imbalance between the proper allocation of rights and authority in recent decisions, the *Lopez* decision does offer some hope that the mere assertion of schools' needs to control violence will not override all considerations of students' individual and group rights to be treated as citizens under the Constitution.

CONCLUSION

With respect to students' rights in school, the current juridical direction of Fourth Amendment law is of the most dubious legal, historical, and societal merit. It highlights society's fears of and disrespect for children and the paucity of alternatives to police-type enforcement measures under consideration in the schools, and indicates that school authorities are no longer willing to grant students even a semblance of the civil rights and civil liberties the rest of the nation's citizens consider inalienable. The first line of defense of school administrators is to bring in more military measures, with car searches, metal detectors, urine analyses, and drug-sniffing dogs. The cases reported here, as well as many others not discussed, share a tenor of frustration and hysteria on the part of administrators to stop the violence and drugs, by any means necessary. What is also sensed in the many reported cases is that the only techniques tried were those of law enforcement.

There is, however, a wealth of information and experience about

alternatives to police-type school violence prevention strategies. Law-related education (LRE) is a fresh approach to reducing the causes of school violence early and continually throughout a students education. It is a generic, interdisciplinary direction to education combining particular kinds of content (related to rules, laws, and legal systems) with interactive instruction, adaptable to any grade level and intended to continue through all grade levels. The core of LRE is problem-solving, both as part of a group process and on an individual basis, since social conflict is at the core of both school violence and the legal issues that arise from it. Its aim is specifically to instill non-aggressive social problem-solving abilities, while also helping students become good citizens. Its method is to integrate into all curricula illustrations of common, student-relevant issues in the context of legal rights and responsibilities (McBee, 1995).

Law-related education is related to student conflict resolution and mediation training, including student courts. All of these initiatives provide early and constant education and experience, for grades k-12, in nonviolent means of violence prevention. Their programs and wide success have been well documented. Peer counseling has also proven effective in breaking the impasse between violent students and the school system. In a study of 600 Atlanta high school seniors and their parents by Emory University Medical School, 70 percent of the subjects said they would confide in a friend, more than three times the percentage who would confide in a parent, for example (Sachnoff, 1988). Using trained students as helpers, friends, counselors, mediators, and educators to ease the school tensions and conflicts that result in violence is a more educational and effective first line of defense against school disruptions and crime than are police-type interventions.

The use of dress codes and uniforms to change a school's violent culture has dramatically reduced crime and violence in many school districts (Restricting Gang Clothing, 1994; Regulating Student Appearance, 1994; Kennedy, 1995; Long Beach Schools, 1995). Parental and other adult participation is also critical not only in contributing to and reinforcing school antiviolence programs, but also in aerating the school system and demonstrating that the entire community is involved in and cares about students education and progress. The list of alternatives to police-type interventions to combat school violence is, in fact, as extensive as

society's creativity and commitment to empower rather than punish children.

Reliance on prevention programs and conflict mediation training is not only an issue of efficacy, but also one of morality. Children must and do have human rights, irrespective of their behavior or the school setting. This is not only a matter of morality, but of international law, as the Convention on the Rights of the Child makes clear. This treaty, ratified by 181 nations worldwide, sets the basic, minimum standards for juvenile justice procedures, children's access to education, their rights to bodily integrity and mental health, and the provision of other resources to enable them to become healthy and productive adult citizens. One of the main tenets of the Convention is that children's human rights rest on a bedrock of their right to be heard, to be listened to, and to participate in the decisions and environments that affect their lives. Certainly, violence prevention training, as opposed to criminal intervention techniques, is the only course that is consistent with a recognition of children's human rights. At this date, however, the United States (along with Saudi Arabia, Brunei, and Qatar) has not ratified this Convention.

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